

Nos 4191 - 4198 Equity
Consolidated Canal Cases

Final Ratification
of Sales

Final Sept 10th 1938

ORDER NISI—

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

Nos. 4191 and 4198 Equity.
Consolidated Cases.

In the Circuit Court for Washington County sitting as a Court of Equity.

ORDERED, By the Circuit Court for Washington County, Maryland, this 13th day of August, A. D. 1938, that the sales made and reported by Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, heretofore appointed Receivers 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 9th day of September, next.

PROVIDED, a copy of this order be inserted in some newspaper published in the Counties of Washington, Allegany, Frederick and Montgomery, in the State of Maryland, and in the city of Washington, in the District of Columbia, at least once a week for three successive weeks before the said last mentioned day.

The report states the amount of sales to be \$2,100,000.00.

True Copy—Test:

EDWARD OSWALD,
Clerk.

OFFICE OF THE HERALD-MAIL COMPANY

Hagerstown, Md., 9/9/38 19---

It is hereby Certified, That the annexed advertisement has been published in ~~THE MORNING HERALD~~ THE DAILY MAIL a daily newspaper published in Washington County, Maryland, at least once a week for 3 successive weeks prior to the 9th day of September, 1938

THE HERALD-MAIL CO.

L. Spessard

PROOF OF PUBLICATION

IN

The Washington Post

District of Columbia, ss.

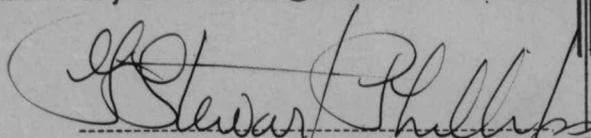
Personally appeared before me, a
Notary Public in and for the said District,

E. R. Halloran, well

known to me to be Asst. Comptroller
of The Washington Post, a daily newspaper
printed and published in the City of Washing-
ton, District of Columbia, and made oath in
due form of law that the annexed advertise-
ment was published in said newspaper at the
times mentioned in the Certificate opposite
hereto.

Witness my hand and official seal this

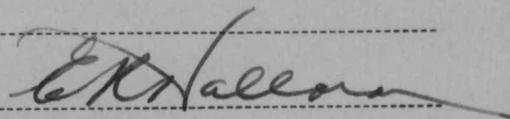
31st day of August 1938


NOTARY PUBLIC, D. C.

IN THE CIRCUIT COURT FOR WASHING-
ton County, sitting as a Court of Equity,
George S. Brown et al. vs. Chesapeake &
Ohio Canal Co. et al. Nos. 4191 and 4198
Equity Consolidated Cases. Ordered by the
Circuit Court for Washington County,
Maryland, this 13th day of August, A. D.
1938, that the sales made and reported
by Edgar W. Young, R. S. B. Hartz and
G. L. Nicolson, heretofore appointed re-
ceivers 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 9TH DAY OF SEPTEMBER,
next: Provided, a copy of this order be in-
serted in some newspaper published in the
counties of Washington, Allegany, Fred-
erick and Montgomery, in the State of
Maryland, and in the City of Wash-
ington, in the District of Columbia, at
least once a week for three successive
weeks before the said last mentioned day.
The report states the amount of sales to
be \$2,100,000.00. True copy. Test: ED-
WARD OSWALD, Clerk. 16.23.30

I Hereby Certify that the foregoing advertise-
ment was printed and published in The Washington
Post, a daily newspaper, upon the following dates,
at a cost of Eleven & 70/100 Dollars:

August 16-23-30-1938



No Docket

Proof of Publication
in
The Washington Post

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

Nos. 4191 and 4198 Equity Consolidated Cases In the Circuit Court for Washington County Sitting as a Court of Equity.

Ordered by the Circuit Court for Washington County, Maryland, this 13th day of August, A. D. 1938, that the sales made and reported by Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, heretofore appointed Receivers 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 9th day of September, next; provided, a copy of this order be inserted in some newspaper published in the Counties of Washington, Allegany, Frederick and Montgomery, in the State of Maryland, and in the City of Washington, in the District of Columbia, at least once a week for three successive weeks before the said last mentioned day.

The report states the amount of sales to be \$2,100,000.00.

True Copy—Test:

EDWARD OSWALD, Clerk.
Advertisement Aug. 16-23-30.

Cumberland, Md. *Sept. 8 -* 1938

This is to Certify, That the annexed

Order Nisi

was published in The Cumberland Times, a newspaper printed in the

City of Cumberland, once a week for *three* successive weeks,

prior to *9th* day of *September* 1938

THE TIMES AND ALLEGANIAN CO., PUBLISHERS

By *Ladie Berkenbaugh*

MADE IN U.S.A.
EQUITY
COURT

CERTIFICATE OF PUBLICATION

From THE NEWS-POST

Frederick, Md.

NOS. 4191 AND 4198 EQUITY
CONSOLIDATED CASES
In the Circuit Court for Washington
County

Sitting as a Court of Equity
George S. Brown, et al., vs. Chesapeake and Ohio Canal Company,
et al.

Ordered, By the Circuit Court for Washington County, Maryland, this 13th day of August, A. D. 1938, that the sales made and reported by Edgar W. Young, R. S. B. Hartz and G. L. Nicholson, heretofore appointed Receivers 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 9th day of September next: Provided, a copy of this order be inserted in some newspaper published in the Counties of Washington, Allegany, Frederick and Montgomery, in the State of Maryland and in the City of Washington, in the District of Columbia, at least once a week for three successive weeks before the said last mentioned day.

The report states the amount of sales to be \$2,100,000.00.

True Copy—Test:

EDWARD OSWALD,
Clerk.

8-15,22,29x9-5d4t

Frederick, Md., SEP 8, - 1938, 193

This is to certify, That the annexed Notice

..... was published in The News,

a newspaper published in Frederick County, once a week for
three successive weeks prior to the 9th.,

day of September,, 1938.

THE NEWS-POST

Per Cra V. Moore,

Order Nisi—

George S. Brown, et al.

vs.

Chesapeake and Ohio Canal
Company, et al.

NOS. 4191 and 4193 EQUITY
CONSOLIDATED CASES

IN THE CIRCUIT COURT FOR
WASHINGTON COUNTY

Sitting as a Court of Equity.

ORDERED, By the Circuit Court
for Washington County, Maryland,
this 13th day of August, A. D. 1938,
that the sales made and reported by
Edgar W. Young, R. S. B. Hartz
and G. L. Nicolson, heretofore ap-
pointed Receivers 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 9th day of September
next: PROVIDED, a copy of this
order be inserted in some newspaper
published in the Counties of Wash-
ington, Allegany, Frederick and
Montgomery, in the State of Mary-
land and in the City of Washington,
in the District of Columbia, at
least once a week for three succes-
sive weeks before the said last men-
tioned day.

The report states the amount of
sales to be \$2,100,000.00.

True Copy—Test:

EDWARD OSWALD, Clerk.

I HEREBY CERTIFY THAT THE ANNEXED ORDER.....

Order Nisi..... was published in the MONTGOMERY

COUNTY SENTINEL, once in each of..... three.....

successive weeks before the..... ninth..... day of

September....., 1938.

THE MONTGOMERY COUNTY SENTINEL

By... *Townsend Homes*.....
TJ.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
 vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al : CONSOLIDATED CASES

ORDERED, this 10th day of September, A.D., 1938,
by the Circuit Court for Washington County, sitting as a Court
of Equity, that the sales of the real estate and property in
these proceedings mentioned heretofore reported by Edgar W.
Young, R. S. B. Hartz and George L. Nicolson, Receivers, be,
and the same are hereby finally ratified and confirmed, no cause
to the contrary having been shown, although due notice appears
to have been given as required by this Court, according to the
annexed advertisements.

AND IT IS FURTHER ORDERED, that all persons, firms
and corporations occupying and holding any part of the property
under any leases, licenses or permits shall, from the date hereof,
hold under the respective purchasers of said property.

AND IT IS FURTHER ORDERED, that the Receivers in
this cause be and they are hereby authorized and directed to
evict all tenants and occupants of the aforesaid property who
hold over after the termination of their existing leases,
licenses or permits, unless such tenants and occupants shall
theretofore have secured a permit in the case of the property
purchased by United States of America from the Federal Government,
or unless this requirement shall then be waived in any particu-
lar case or cases by the Secretary of the Interior on behalf of
the United States of America.

Frank G. Wagman

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
 vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al : CONSOLIDATED CASES

CERTIFICATE OF CLERK

No exceptions or objections to the ratification of the sales heretofore reported by Edgar W. Young, R. S. B. Hartz and George L. Nicolson, Receivers in this cause, have been filed to this date.

As witness the signature of the Clerk of the Circuit Court for Washington County, this 10th day of September, A. D., 1938.


Clerk of the Circuit Court for
Washington County.

NOS. 4192 & 4198 EQUITY

CHESAPEAKE & OHIO CANAL

BONDS \$1605.00

Interest from Sept. 13, 1842.

JUDGMENT \$315.00

Interest from Sept. 3, 1842 etc

CLAIM OF S. RINEHART COHILL

Filed Sept 22 1938

CLAIM OF S. RINEHART COHILL vs CHESAPEAKE & OHIO CANAL CO.

To Judgment as follows:

In Allegany County Court, April Term, 1850.

JAMES McCARTY use of
SAMUEL RINEHART per order
filed

vs

CHESAPEAKE & OHIO CANAL
COMPANY

* NO. 85 Originals
*
* Sci fa for \$315.00 & \$600 damages
*
* and costs damages to be released
*
* on the payment of Debt with interest
*
* from the 3d day of Sept. 1842 & costs

Scifa on above Judgment to A.C. 1853 No. 43.

BONDS as follows, payable to bearer:

No. 308 amount \$100.00 date: September 13 1842.

payable Chesapeake & Ohio Canal Co. to Samuel Rinehart, with interest.

No. 311 amount \$100.00 date: September 13, 1842.

payable Chesapeake & Ohio Canal Co. to Samuel Rinehart, with interest.

No. 320 amount \$300.00 date: September 13, 1842

payable Chesapeake & Ohio Canal Co. to Samuel Rinehart.

No. 322 amount \$550.00 date: September 13, 1842

payable Chesapeake & Ohio Canal Co. to Samuel Rinehart, with interest

No. 323 amount \$555.10 date: September 13, 1842.

payable Chesapeake & Ohio Canal Co. to Samuel Rinehart, with interest

The said Samuel Rinehart Cohill claims title and ownership to the foregoing claims for the following reasons: The said Samuel Rinehart died testate and by his Last Will and Testament duly admitted to probate and recorded in the Orphans' Court of Washington County bequeathed the above mentioned securities to his wife, Elizabeth Rinehart; that the said Elizabeth Rinehart, by her Last Will and Testament duly admitted to probate and recorded in the Orphan's Court of Washington County, bequeathed said securities to Mary Rinehart Cohill, mother of S. Rinehart Cohill; that Mary Rinehart Cohill, by her last Will and Testament duly admitted to probate and recorded in the Orphans' Court of Washington County, bequeathed said securities to E. P. Cohill, father of the said S. Rinehart Cohill.

and that the said E. P. Cohill gave and delivered to the said
S. Rinehart Cohill the aforementioned securities.

S. Rinehart Cohill

Subscribed to and sworn to before
me this *22nd* day of September,
A. D. 1938.

Edward J. [unclear]
~~Notary Public.~~ *[unclear]*

BALTIMORE

OFFICE SUPPLY CO.

NOS. 4191 and 4198 EQUITY
CONSOLIDATED CASES

Supplemental Report of
Receivers and Order of
Court thereon.

Filed Sept. 22, 1938

LAW OFFICES

LANE AND MISH

HAGERSTOWN TRUST BUILDING

HAGERSTOWN, MD.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT
 : FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO : NOS. 4191 and 4198 EQUITY
CANAL COMPANY, et al : CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

This, the further report of Edgar W. Young, R. S. B. Hartz and George L. Nicolson, Receivers in the above entitled cause, respectfully shows:

That they were, by order of this Court on the 29th day of April, 1938, appointed Receivers of all and singular the rights, title and interest of the Chesapeake and Ohio Canal Company, and all and singular the lands, tenements and estates owned or acquired by the said Chesapeake and Ohio Canal Company for its construction or repair, its works and appurtenances: and the site thereof, embracing the entire undertaking and every part thereof, and the water rights and franchises of said Chesapeake and Ohio Canal Company, and all and singular the books, papers and records thereof, and all other property of every kind and description of said Company wheresoever the same or any part thereof may be situated and held.

That your Receivers qualified as such by filing in this Court a bond in the penalty of \$30,000.00, conditioned for the faithful performance of the trust reposed in them by said decree or to be reposed in them by any further decree or order in the premises.

That under and by virtue of said decree said Receivers were authorized and empowered to make a contract or

contracts with the Government of the United States, or any department thereof, and to make a contract or contracts with any other person or corporation for the sale of the said property, estate, rights and franchises of said Canal Company as an entirety or in parcels, upon such terms as said Receivers should find expedient and proper for the best interests of the said Canal Company and its creditors, said sales to be reported to and to be subject to the ratification and approval of said Court.

That thereafter, on August 13, 1938, said Receivers reported to this Court that they had agreed with the United States of America to recommend to this Court that all the property, estate, rights and franchises of the Chesapeake and Ohio Canal Company, then vested in said Receivers, excepting, however, the reserved portions therein described, be sold to the United States of America for the sum of Two Million Dollars (\$2,000,000.00), it being understood and agreed in said agreement of sale that the real property intended to be sold should include all of those parcels or tracts of land in the States of Maryland, Virginia and West Virginia, as shown on the fifteen "property maps of the Chesapeake and Ohio Canal Company as surveyed by B. F. Mackell under the direction of G. L. Nicolson, General Manager," and all of those parcels or tracts of land in the District of Columbia as shown on the two "plats of the Chesapeake and Ohio Canal Company property as surveyed by H. W. Brewer, February, 1894," to the extent that said property is now owned by the said Receivers, together with any and all other parcels or tracts of land, the title to which is now vested in said Receivers; and at the same time said Receivers further reported that they had also entered into a contract of sale with The Baltimore and Ohio Railroad Company for the sale of those tracts of land of the Canal and certain rights and easements therein, all of which are parti-

cularly described in Exhibit "A" which was filed with and a part of the agreement of sale with the United States of America, the sale price to said Baltimore and Ohio Railroad Company being reported in the amount of One Hundred Thousand Dollars (\$100,000.00).

Thereupon this Court ordered that said sales be ratified and confirmed, unless cause to the contrary be shown on or before the 9th day of September, 1938, provided a copy of that order be inserted in some newspaper published in the Counties of Washington, Allegany, Frederick and Montgomery, in the State of Maryland, and in the City of Washington, in the District of Columbia, at least once a week for three successive weeks before said 9th day of September, 1938.

That these Receivers complied with said order of this Court for the publication required in said order and so reported thereafter to this Court.

That no exceptions or objections to the ratification of said sales having been made, this Court, on the 10th day of September, 1938, by its order passed and filed in these proceedings, finally ratified and confirmed said sales.

That on September 8, 1938, this Court ordered that these Receivers file in this Court before the final ratification of said sales, four additional bonds to the State of Maryland, each in the penalty of \$517,500.00, and that your Receivers complied with said order by filing said bonds on September 9, 1938.

That your Receivers have complied with all of the orders of this Court and with the laws of the State of Maryland applicable to their duties as such, to the extent of being now fully authorized and empowered to convey the above described property to the United States of America and to The Baltimore and

Ohio Railroad Company upon the payment by each purchaser of the amount of the purchase price stipulated to be paid in said agreements of sale with respect to each.

That among other claimants and creditors the following individuals and persons are parties to these proceedings: The holders of the outstanding ~~of the outstanding~~ bonds issued pursuant to the authority of the Act of 1878, Chapter 58 of the Laws of Maryland; the owners of labor and other claims that are entitled to any consideration pursuant to the terms of the Act of 1896, Chapter 136 $\frac{1}{2}$, and the Act of 1900, Chapter 270 of the Laws of Maryland; the interest of the State of Maryland and the assignees thereof in three mortgages covering said property in the aggregate principal amount of \$3,375,000.00; and the holders of the bonds issued pursuant to the Act of 1844, Chapter 281 of the Laws of Maryland.

That with respect to any other claimants or creditors of said Chesapeake and Ohio Canal Company who might exist, your Receivers caused to be published in two daily newspapers published in Washington County, Maryland, at least twice a week for four successive weeks, notice to all persons having claims against the Chesapeake and Ohio Canal Company to file the same properly authenticated with Edward Oswald, Clerk of the Circuit Court for Washington County, or they may be otherwise barred from participating in the distribution of any funds in the hands of these Receivers, said notice to said creditors being given in the form and manner required by the rules of this Court applicable thereto.

That heretofore, on the 28th day of July, 1936, Herbert R. Preston, sole surviving trustee in this cause, entered into an agreement with the Potomac Light and Power Company, a corporation organized and existing under the laws of the State of West Virginia, which said agreement was presented to and approved by this Court,

whereby it was agreed that said Power Company should advance the sum of \$15,000.00 for the purpose of the repair of Dams Numbers 4 and 5, and that thereafter said Power Company should have the right for the use of water at said Dams for an aggregate charge of \$1500.00 per year, which said charge was to be credited against said advance; that it is intended in these sales so reported to this Court that the right of said Power Company to use said water shall be discontinued on October 1, 1938, and that as a result thereof there will remain owing to said Power Company by these Receivers a balance of \$11,500.00, for which under the terms of said agreement said Power Company is entitled to be reimbursed; and that your Receivers desire that this Court direct the termination of the right of said Power Company to use the water at said Dams upon the payment to them of said amount of \$11,500.00, to which they are entitled to be reimbursed.

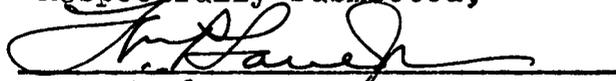
That by virtue of the ratification and approval of the said sales hereinbefore set forth, that the claims or liens of any of the parties to these proceedings or of any creditor, is, by virtue of the ratification of said sales by this Court, transferred from the property and estate so sold to the proceeds of sale, and that your Receivers may now convey unto the United States of America and to The Baltimore and Ohio Railroad Company the property and estate, respectively purchased by each, free and clear of any such claim or encumbrance, upon the payment of the respective purchase price by each of said purchasers.

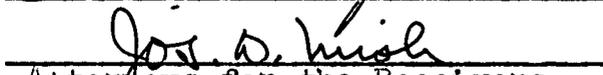
TO THE END THEREFORE,

Your Receivers pray this Honorable Court to pass an order directing them to convey to the United States of America and to The Baltimore and Ohio Railroad Company the property and estate as set forth in the respective agreements of sale as re-

ported to and ratified by this Court, discharged and free of any claims or liens as herein set forth, and further directing that any claim or lien of the Potomac Light and Power Company under and by virtue of its contract dated July 28, 1936, be discharged upon the disbursement out of the proceeds of sale of any balance found to be due and owing by virtue of the terms of said contract, and further directing these Receivers to report to and bring into Court the funds representing the proceeds of said sales for the purpose of the distribution thereof to those entitled thereto.

Respectfully submitted,




Attorneys for the Receivers.

STATE OF MARYLAND, WASHINGTON COUNTY, to-wit:

I HEREBY CERTIFY, that on this 22nd day of September, A. D., 1938, before me, the subscriber, a Notary Public of the State of Maryland, in and for Washington County, personally appeared William P. Lane, Jr. and Joseph D. Mish, Solicitors for the Receivers in the above entitled cause, and they made oath in due form of law that the matters and facts set forth in the foregoing report are true, as therein stated, to the best of **their** knowledge, information and belief.

WITNESS my hand and Official Notarial Seal.

Alice S. Hemelright
Notary Public.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
 vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO : NOS. 4191 and 4198 EQUITY
CANAL COMPANY, et al : CONSOLIDATED CASES.

ORDER OF COURT

The foregoing report and affidavit of Edgar W. Young, R. S. B. Hartz and George L. Nicolson, Receivers in this cause, having been read and considered, and it appearing that the said Receivers, in making the sales heretofore reported to and ratified by this Court, have complied with the laws applicable thereto, and it appearing that the proceedings in reference thereto are proper and regular in form, it is, thereupon, this 22nd day of September, 1938, ordered, adjudged and decreed by the Circuit Court for Washington County, Maryland, sitting as a Court of Equity:

1- That upon the payment of the purchase price of \$2,000,000.00 by the United States of America, to said Receivers, said Receivers are authorized and directed to convey to the United States of America, all the property, estate, rights and franchises of the Chesapeake and Ohio Canal Company now vested in said Receivers, and as set forth and described in the agreement of sale between said Receivers and the United States of America, which was reported to and ratified by this Court, excepting, however, the reserved portions described in said agreement of sale.

2- That upon the payment of the purchase price of \$100,000.00 by The Baltimore and Ohio Railroad Company, to said Receivers, said Receivers are authorized and directed to convey to The Baltimore and Ohio Railroad Company, all of the property,

rights and franchises set forth as reserved portions in Exhibit "A" which was attached to the agreement of sale between said Receivers and the United States of America, as a part thereof, and heretofore reported to and ratified by this Court.

3- That upon the making of said conveyance to said purchasers that the claims and liens of the parties to these proceedings and of the creditors of the Chesapeake and Ohio Canal Company shall be transferred from said property, estate, rights and franchises to the proceeds of said sales.

4- That pursuant to the provisions of paragraph 4 of the supplemental agreement dated the 28th day of July, 1936, by and between Herbert R. Preston, sole surviving trustee in this cause, and the Potomac Light and Power Company, said property, estate, rights and franchises shall be conveyed free and clear of any right upon the part of the Potomac Light and Power Company for reimbursement as provided under the terms of said supplemental agreement, provided that said Receivers shall, however, provide for the repayment to said Potomac Light and Power Company for the payment to it of such amount as is determined to be due and owing as reimbursement under the terms of said supplemental agreement; it is not intended by this order in anywise to affect the rights and obligations that the said Potomac Light and Power Company may have to the use of water or otherwise under the terms of any other agreements entered into prior to the date of said supplemental agreement.

5- That said Receivers are further ordered and directed to report to and bring into this Court the proceeds of said sales for the purpose of the distribution thereof to those entitled thereto in accordance with their respective claims and priorities.

Frank G. Bagshaw

Edgar W. Young, R.S.B.Hartz and
G. L. Nicolson, Receivers of
the Chesapeake and Ohio Canal
Company,

to

The United States of America

(C O P Y)

DEED

Received for Record

SEP 26 1938

At 8:00 o'clock A. M.

and Same Day Recorded in

Liber No. 207 Folio 575

one of the Land Records of

Washington, County, Maryland

and examined per

Edward Oswald Clerk

75566

75565
75564

75563

75562

EX.

THIS DEED, made this 23rd day of September, in the year 1938, by and between Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers of the Chesapeake and Ohio Canal Company, parties of the first part, and The United States of America, party of the second part, witnesseth:

WHEREAS, on the 29th day of April, 1933, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson were appointed Receivers of all the property, estate, rights and franchises of the Chesapeake and Ohio Canal Company by the Circuit Court for Washington County, Maryland, in Consolidated Cases 4191 and 4192, in Equity, and on the 2nd day of May, 1933, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson were likewise appointed Receivers of all the property, estate, rights and franchises of the said Chesapeake and Ohio Canal Company by the District Court of the United States for the District of Columbia, in Case No. 12,240, in Equity, and the said Receivers duly qualified in each of the said Courts and took possession of all of the said property, estate, rights, and franchises, and

WHEREAS, on the 6th day of August, 1938, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, as Receivers, did execute a contract of sale with The United States of America for the sale by the said Receivers to the said The United States of America of all the said property, estate, rights and franchises of the Chesapeake and Ohio Canal Company, with certain reservations set forth in said contract, and

WHEREAS, on the 10th day of September, 1938, the Circuit Court for Washington County, Maryland, ratified and confirmed the said sale, and on the 15th day of September, 1938, the District Court of the United States for the District of Columbia also ratified and confirmed the said sale, and by order of the Circuit Court for Washington County, Maryland, dated the 22nd day of September, 1938, and also by order of the District Court of the United States for the District of Columbia dated the 23rd day of September, 1938, the said Receivers were directed to execute and deliver to the said The United States of America a good and sufficient deed conveying title to all the said property, estate, rights and franchises of the Chesapeake and Ohio Canal Company;

NOW, THEREFORE, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, as Receivers, in conformity with said orders and in consideration of the sum of Two Million Dollars (\$2,000,000) to the Receivers paid by the said The United States of America, the receipt of which is hereby acknowledged, do hereby grant, convey and assign unto the said The United States of America all the property, estate, rights and franchises of the said Chesapeake and Ohio Canal Company, of which the said Chesapeake and Ohio Canal Company, or the Receivers thereof, may be possessed, lying, situated and existing in the District of Columbia, and in Montgomery, Frederick, Washington and Allegany Counties, in the State of Maryland, and in the States of Virginia and West Virginia, and all the right, title and interest of the parties to the aforesaid proceedings, both at law and in equity, in and to the same, together with all the tenements, hereditaments and appurtenances thereunto belonging and in any wise appertaining, free and clear of all liens and encumbrances; excepting and reserving, however, from the grant hereby made, all those certain tracts of land lying and situated in the District of Columbia and in Montgomery, Frederick, Washington and Allegany Counties, in the State of Maryland, and also certain easements on certain tracts of land in the District of Columbia and at Brunswick, Frederick County, Maryland, which are set forth and described in Exhibit "A", which was attached to and made part of the contract of sale between the said Receivers and The United States of America dated the 6th day of August, 1938, and which was filed in the Circuit Court for Washington County, Maryland, by the said Receivers on the 15th day of August, 1938, in Consolidated Cases 4191 and 4196, in Equity, and which was also filed by the said Receivers in the United States District Court for the District of Columbia on the 19th day of August, 1938, in Case No. 12,240, in Equity; the exception and reservation of parcel "E", however, which is included in said Exhibit "A", to be subject to the air rights for the construction of an elevated highway over and across said parcel "E" and also subject to the right of the United States to anchor any structures constructed or erected for highway purposes upon or over said parcel "E", as described in said Exhibit "A"; and the exception and reservation of parcel "C"

to be subject to the restrictive covenant with respect to the height of buildings or structures thereon, as also set out in said Exhibit "A". Reference is hereby made to said contract of sale and Exhibit "A" which is attached to and made a part thereof, for a more full and complete description of all of the said tracts and easements which are both hereby granted and excepted and reserved from this grant.

IN WITNESS WHEREOF the parties of the first part, as Receivers as aforesaid, have subscribed their names and affixed their seals on the day and year first above written.

WITNESS:

C. P. McEvoy

Edgar W. Young (SEAL)

C. P. McEvoy

R. S. B. Harts (SEAL)

Frances J. Worthington

G. L. Nicolson (SEAL)
Receivers of the Chesapeake and Ohio
Canal Company.

DISTRICT OF COLUMBIA, SS:

I, Sarah A. Taylor, a Notary public in and for the District of Columbia, do hereby certify that Edgar W. Young, R. S. B. Harts and G. L. Nicolson, parties to the foregoing deed bearing date of the 23rd day of September, 1938, personally appeared before me in said District, the said Edgar W. Young, R. S. B. Harts and G. L. Nicolson, being personally known to me to be the persons who executed the said deed, and acknowledged the same to be their act and deed as Receivers of the Chesapeake and Ohio Canal Company.

Given under my hand and seal this 23rd day of September, 1938.

Sarah A. Taylor
Notary Public

My commission expires
March 15, 1943.

(Notarial Seal)

STATE OF MARYLAND, WASHINGTON COUNTY, To-wit:-

I hereby certify that the foregoing is a true copy taken from Liber No. 207, folio 575, one of the Land Records for Washington County, the same having been recorded _____ September 26th, 1938 at 8:00 A. M.

In testimony whereof I hereunto subscribe my hand and affix the Seal of the Circuit Court for Washington County, at Hagerstown, Maryland, this 26th day of September, 1938.

Edward Oswald Clerk

Edgar W. Young, R.S.B.Hartz and
G.L.Nicolson, Receivers of the
Chesapeake and Ohio Canal Com-
pany,

to

The United States of America

(C O P Y)

DEED

Received for Record

SEP 26 1938

At 8:00 o'clock A. M.

and Same Day Recorded in

Liber No. 207 Folio 575

one of the Land Records of

Washington, County, Maryland

and examined per

Edward Oswald, Clerk

EX.

THIS DEED, made this 23rd day of September, in the year 1938, by and between Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers of the Chesapeake and Ohio Canal Company, parties of the first part, and The United States of America, party of the second part, witnesseth:

WHEREAS, on the 29th day of April, 1938, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson were appointed Receivers of all the property, estate, rights and franchises of the Chesapeake and Ohio Canal Company by the Circuit Court for Washington County, Maryland, in Consolidated Cases 4191 and 4198, in Equity, and on the 2nd day of May, 1938, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson were likewise appointed Receivers of all the property, estate, rights and franchises of the said Chesapeake and Ohio Canal Company by the District Court of the United States for the District of Columbia, in Case No. 12,240, in Equity, and the said Receivers duly qualified in each of the said Courts and took possession of all of the said property, estate, rights, and franchises, and

WHEREAS, on the 6th day of August, 1938, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, as Receivers, did execute a contract of sale with The United States of America for the sale by the said Receivers to the said The United States of America of all the said property, estate, rights and franchises of the Chesapeake and Ohio Canal Company, with certain reservations set forth in said contract, and

WHEREAS, on the 10th day of September, 1938, the Circuit Court for Washington County, Maryland, ratified and confirmed the said sale, and on the 13th day of September, 1938, the District Court of the United States for the District of Columbia also ratified and confirmed the said sale, and by order of the Circuit Court for Washington County, Maryland, dated the 22nd day of September, 1938, and also by order of the District Court of the United States for the District of Columbia dated the 23rd day of September, 1938, the said Receivers were directed to execute and deliver to the said The United States of America a good and sufficient deed conveying title to all the said property, estate, rights and franchises of the Chesapeake and Ohio Canal Company;

NOW, THEREFORE, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, as Receivers, in conformity with said orders and in consideration of the sum of Two Million Dollars (\$2,000,000) to the Receivers paid by the said The United States of America, the receipt of which is hereby acknowledged, do hereby grant, convey and assign unto the said The United States of America all the property, estate, rights and franchises of the said Chesapeake and Ohio Canal Company, of which the said Chesapeake and Ohio Canal Company, or the Receivers thereof, may be possessed, lying, situated and existing in the District of Columbia, and in Montgomery, Frederick, Washington and Allegany Counties, in the State of Maryland, and in the States of Virginia and West Virginia, and all the right, title and interest of the parties to the aforesaid proceedings, both at law and in equity, in and to the same, together with all the tenements, hereditaments and appurtenances thereunto belonging and in any wise appertaining, free and clear of all liens and encumbrances; excepting and reserving, however, from the grant hereby made, all those certain tracts of land lying and situated in the District of Columbia and in Montgomery, Frederick, Washington and Allegany Counties, in the State of Maryland, and also certain easements on certain tracts of land in the District of Columbia and at Brunswick, Frederick County, Maryland, which are set forth and described in Exhibit "A", which was attached to and made part of the contract of sale between the said Receivers and The United States of America dated the 6th day of August, 1938, and which was filed in the Circuit Court for Washington County, Maryland, by the said Receivers on the 13th day of August, 1938, in Consolidated Cases 4191 and 4198, in Equity, and which was also filed by the said Receivers in the United States District Court for the District of Columbia on the 19th day of August, 1938, in Case No. 12,240, in Equity; the exception and reservation of parcel "E", however, which is included in said Exhibit "A", to be subject to the air rights for the construction of an elevated highway over and across said parcel "E" and also subject to the right of the United States to anchor any structures constructed or erected for highway purposes upon or over said parcel "E", as described in said Exhibit "A"; and the exception and reservation of parcel "G"

to be subject to the restrictive covenant with respect to the height of buildings or structures thereon, as also set out in said Exhibit "A". Reference is hereby made to said contract of sale and Exhibit "A" which is attached to and made a part thereof, for a more full and complete description of all of the said tracts and easements which are both hereby granted and excepted and reserved from this grant.

IN WITNESS WHEREOF the parties of the first part, as Receivers as aforesaid, have subscribed their names and affixed their seals on the day and year first above written.

WITNESS:

<u>C. P. McEvoy</u>	<u>Edgar W. Young</u> (SEAL)
<u>C. P. McEvoy</u>	<u>R. S. B. Hartz</u> (SEAL)
<u>Frances J. Worthington</u>	<u>G. L. Nicolson</u> (SEAL) Receivers of the Chesapeake and Ohio Canal Company.

DISTRICT OF COLUMBIA, SS:

I, Sarah A. Taylor, a Notary public in and for the District of Columbia, do hereby certify that Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, parties to the foregoing deed bearing date of the 23rd day of September, 1938, personally appeared before me in said District, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, being personally known to me to be the persons who executed the said deed, and acknowledged the same to be their act and deed as Receivers of the Chesapeake and Ohio Canal Company.

Given under my hand and seal this 23rd day of September, 1938.

Sarah A. Taylor
Notary Public

My commission expires
March 15, 1943.

(Notarial Seal)

STATE OF MARYLAND, WASHINGTON COUNTY, To-wit:-

I hereby certify that the foregoing is a true copy taken from Liber No. 207, folio 575, one of the Land Records for Washington County, the same having been recorded September 26th, 1938 at 8:00 A. M.

In testimony whereof I hereunto subscribe my hand and affix the Seal of the Circuit Court for Washington County, at Hagerstown, Maryland.

this 26th day of September, 19 38.

Edward Oswald Clerk

Edgar W. Young, R.S.B.Hartz and
G.L.Nicolson, Receivers of the
Chesapeake and Ohio Canal
Company,

to

The United States of America

(COPY)
DEED

Received for Record

SEP 26 1938

At 8.00 o'clock A. M.

and Same Day Recorded in

Liber No. 207 Folio 575

one of the Land Records of

Washington, County, Maryland

and examined per

Edward Oswald, Clerk

EX.

THIS DEED, made this 23rd day of September, in the year 1938, by and between Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers of the Chesapeake and Ohio Canal Company, parties of the first part, and The United States of America, party of the second part, witnesseth:

WHEREAS, on the 29th day of April, 1938, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson were appointed Receivers of all the property, estate, rights and franchises of the Chesapeake and Ohio Canal Company by the Circuit Court for Washington County, Maryland, in Consolidated Cases 4191 and 4198, in Equity, and on the 2nd day of May, 1938, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson were likewise appointed Receivers of all the property, estate, rights and franchises of the said Chesapeake and Ohio Canal Company by the District Court of the United States for the District of Columbia, in Case No. 12,240, in Equity, and the said Receivers duly qualified in each of the said Courts and took possession of all of the said property, estate, rights, and franchises, and

WHEREAS, on the 6th day of August, 1938, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, as Receivers, did execute a contract of sale with The United States of America for the sale by the said Receivers to the said The United States of America of all the said property, estate, rights and franchises of the Chesapeake and Ohio Canal Company, with certain reservations set forth in said contract, and

WHEREAS, on the 10th day of September, 1938, the Circuit Court for Washington County, Maryland, ratified and confirmed the said sale, and on the 13th day of September, 1938, the District Court of the United States for the District of Columbia also ratified and confirmed the said sale, and by order of the Circuit Court for Washington County, Maryland, dated the 22nd day of September, 1938, and also by order of the District Court of the United States for the District of Columbia dated the 23rd day of September, 1938, the said Receivers were directed to execute and deliver to the said The United States of America a good and sufficient deed conveying title to all the said property, estate, rights and franchises of the Chesapeake and Ohio Canal Company;

NOW, THEREFORE, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, as Receivers, in conformity with said orders and in consideration of the sum of Two Million Dollars (\$2,000,000) to the Receivers paid by the said The United States of America, the receipt of which is hereby acknowledged, do hereby grant, convey and assign unto the said The United States of America all the property, estate, rights and franchises of the said Chesapeake and Ohio Canal Company, of which the said Chesapeake and Ohio Canal Company, or the Receivers thereof, may be possessed, lying, situated and existing in the District of Columbia, and in Montgomery, Frederick, Washington and Allegany Counties, in the State of Maryland, and in the States of Virginia and West Virginia, and all the right, title and interest of the parties to the aforesaid proceedings, both at law and in equity, in and to the same, together with all the tenements, hereditaments and appurtenances thereunto belonging and in any wise appertaining, free and clear of all liens and encumbrances; excepting and reserving, however, from the grant hereby made, all those certain tracts of land lying and situated in the District of Columbia and in Montgomery, Frederick, Washington and Allegany Counties, in the State of Maryland, and also certain easements on certain tracts of land in the District of Columbia and at Brunswick, Frederick County, Maryland, which are set forth and described in Exhibit "A", which was attached to and made part of the contract of sale between the said Receivers and The United States of America dated the 6th day of August, 1938, and which was filed in the Circuit Court for Washington County, Maryland, by the said Receivers on the 13th day of August, 1938, in Consolidated Cases 4191 and 4198, in Equity, and which was also filed by the said Receivers in the United States District Court for the District of Columbia on the 19th day of August, 1938, in Case No. 12,240, in Equity; the exception and reservation of parcel "E", however, which is included in said Exhibit "A", to be subject to the air rights for the construction of an elevated highway over and across said parcel "E" and also subject to the right of the United States to anchor any structures constructed or erected for highway purposes upon or over said parcel "E", as described in said Exhibit "A"; and the exception and reservation of parcel "G"

to be subject to the restrictive covenant with respect to the height of buildings or structures thereon, as also set out in said Exhibit "A". Reference is hereby made to said contract of sale and Exhibit "A" which is attached to and made a part thereof, for a more full and complete description of all of the said tracts and easements which are both hereby granted and excepted and reserved from this grant.

IN WITNESS WHEREOF the parties of the first part, as Receivers as aforesaid, have subscribed their names and affixed their seals on the day and year first above written.

WITNESS:

<u>C. P. McEvoy</u>	<u>Edgar W. Young</u> (SEAL)
<u>C. P. McEvoy</u>	<u>R. S. B. Hartz</u> (SEAL)
<u>Frances J. Worthington</u>	<u>G. L. Nicolson</u> (SEAL) Receivers of the Chesapeake and Ohio Canal Company.

DISTRICT OF COLUMBIA, SS:

I, Sarah A. Taylor, a Notary public in and for the District of Columbia, do hereby certify that Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, parties to the foregoing deed bearing date of the 23rd day of September, 1938, personally appeared before me in said District, the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, being personally known to me to be the persons who executed the said deed, and acknowledged the same to be their act and deed as Receivers of the Chesapeake and Ohio Canal Company.

Given under my hand and seal this 23rd day of September, 1938.

Sarah A. Taylor
Notary Public

My commission expires
March 15, 1943.

STATE OF MARYLAND, WASHINGTON COUNTY, To-wit:- (Notarial Seal)

I hereby certify that the foregoing is a true copy
Taken from Liber No. 207, folio 575, one of the Land Records
for Washington County, the same having been recorded _____
September 26th, 1938 at 8:00 A. M.

In testimony whereof I hereunto subscribe my hand
and affix the Seal of the Circuit Court for Washington
County, at Hagerstown, Maryland
this 26th day of September, 1938.

Edward Oswald. Clerk

NOS. 4191 and 4198 EQUITY

GEORGE S. BROWN, et al

vs.

CHESAPEAKE AND OHIO CANAL
COMPANY, et al

SECOND
SUPPLEMENTAL REPORT OF
RECEIVERS.

Filed Sept 30 1938

LAW OFFICES

LANE AND MISH

HAGERSTOWN TRUST BUILDING

HAGERSTOWN, MD.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
 vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al, : CONSOLIDATED CASES

SECOND

This, the Supplemental Report of Edgar W. Young, R. S. B. Hartz and George L. Nicolson, Receivers in the above entitled cause, respectfully represents:

That they desire to be charged with the full amount of the purchase price of the property sold in these proceedings in the amount of \$2,100,000.00, as shown by the Report of Sales heretofore filed in these proceedings.

That they desire to promptly distribute the sum of \$1,900,000.00 of said proceeds of sale, retaining in their hands the sum of \$200,000.00 for further distribution, and they ask that the papers in this cause be referred to the Auditor of this Court, in order that an account may be stated charging them with the aforesaid sum and allowing them proper credit for their expenses, for which they shall produce their vouchers, and distributing the balance of the said sum of \$1,900,000.00 to the parties entitled thereto in accordance with the priorities established by law, and retaining the aforesaid sum of \$200,000.00 for a later account to be filed in said proceedings.

Respectfully submitted,

Edgar W. Young
R. S. B. Hartz
G. L. Nicolson
Receivers.

THE TRUST ESTATE OF CHESAPEAKE & OHIO CANAL COMPANY, IN ACCOUNT
WITH EDGAR W. YOUNG, R. S. B. HARTZ AND GEORGE L. NICOLSON,
RECEIVERS IN EQUITY CAUSES NOS. 4191 - 4198 CONSOLIDATED CASES

September 30th, 1938	Dr.	Cr.
By this sum, being the total amount of the purchase price for the real estate and property sold in these proceedings as per Receivers Report of Sale and Supplemental Report filed herein,		\$2,100,000.00
To The Law Reporter Printing Co., Washington, D. C., Order Nisi	\$ 16.83	
" The Evening Star Newspaper Co., Washington, D. C., Order Nisi,	19.35	
" Lane & Mish, Apps. Fee	10.00	
" Herald-Mail Co., Order Nisi & Notice to Creditors	12.50	
" News Post Co., Frederick, Md., Order Nisi,	4.65	
" Times & Alleganian Co., Order Nisi, Cumberland, Md.	4.00	
" Montgomery County Sentinel Rockville, Md., Order Nisi,	4.00	
" Washington Post Co., Washington, D. C., Order Nisi,	11.70	
" Alice S. Himelright, Notary Public,	2.00	
" McComas-Armstrong, Inc., Premium on Bond,	8,280.00	
" Lehnert, Griffin & Anderson, Inc., Premium on Bond,	120.00	
" Balance for further distribution,	2,091,514.97	
	\$2,100,000.00	\$2,100,000.00
By Balance for further distribution, which is distributed as follows:		2,091,514.97
To Baltimore & Ohio Railroad Co. For Principal and Interest on Canal Bonds of 1878 issued and outstanding		
For Principal Amount of Bonds \$132,500.00		
For Interest accrued thereon to September 1, 1938	\$176,226.75	\$ 308,726.75
To Baltimore & Ohio Railroad Co., Assignee		
(a) For Principal Amount of Claims filed under Act of 1896 Chapter 136 ¹ / ₂ and under Act of 1900 Chapter 270 . .	141,926.38	
(b) For legal interest thereon to Sept. 1st, 1938	365,836.62	
(c) For Court costs on same . .	884.15	\$ 508,647.15
Note: A list of these claims is attached as Exhibit "A"		

To Baltimore & Ohio Railroad Company,
 Assignee, in part payment of principal, with legal interest due thereon, of loan from the State of Maryland in the amount of \$2,000,000.00 secured by mortgage, dated April 23, 1835, by virtue of Chapter 241 of the Acts of 1834 and which is recorded among the Land Records of Washington County, Maryland, in Liber P. P. Folio 738, and thereafter confirmed by mortgage dated January 8, 1846, by virtue of Chapter 281 of the Acts of 1844 and which is recorded among the aforesaid Land Records in Liber IN No. 3, folio 137, which said mortgages were sold and transferred by the Board of Public Works of the State of Maryland, by Deed dated January 4, 1905, to Fairfax S. Landstreet and assigned by him, by Deed dated July 29, 1907, to Continental Trust Company, Trustee, now Maryland Trust Company, Successor Trustee, and which has now been transferred to The Baltimore & Ohio Railroad Company,

\$1,062,641.07

To Potomac Light and Power Company
 For refund balance of amount advanced to the Trustees in accordance with an Agreement dated July 28, 1936, which would represent a refund of rent as stipulated in said agreement commencing October 1st, 1938, at the rate of \$125.00 per month,

11,500.00

To Balance retained in the hands of these Receivers for further distribution to labor claims and judgments that may be properly filed and proven under the aforesaid Acts of 1896 and 1900 including interest thereon and further distribution to costs, commissions, counsel and auditors' fees and for further distribution to claims properly proven in the order of their priorities,

200,000.00

\$2,091,514.97

\$2,091,514.97

EXHIBIT "A"

STATEMENT OF UNPAID JUDGMENTS AND OTHER CLAIMS FOR LABOR, MATERIALS AND SUPPLIES FURNISHED TO THE CHESAPEAKE AND OHIO CANAL COMPANY PRIOR TO JANUARY 1, 1890, NOW FILED WITH THE CIRCUIT COURT FOR WASHINGTON COUNTY (MD) IN THE CONSOLIDATED CANAL CASES, EQUITY NOS. 4191 AND 4198, WHICH CLAIMS, UNDER THE PROVISIONS OF CHAPTER 136 1/2 OF THE ACTS OF THE ASSEMBLY OF MARYLAND OF 1896, AND CHAPTER 270 OF THE ACTS OF THE ASSEMBLY OF MARYLAND OF 1890, HAVE AN ENFORCIBLE LIEN ON THE PROPERTY OF THE CANAL SUPERIOR TO THE LIEN OF THE MORTGAGE GIVEN THE STATE OF MARYLAND, AND WHICH CLAIMS ARE ASSIGNED TO AND NOW OWNED BY THE BALTIMORE AND OHIO RAILROAD COMPANY, TOGETHER WITH LEGAL INTEREST ACCRUED ON SAID CLAIMS TO SEPTEMBER 1st, 1938.

Claimant	Kind of Claim	Principal Amount	INTEREST		Court Costs	Total
			From	Amount		
1. Levi Porter	Judgment	\$ 380.56	Sept.18,1895	\$ 980.36	\$ 8.25	\$ 1,369.87
2. Elias E. Mondell	"	100.72	July 1,1889	297.10	9.25	407.07
3. Albertus Spencer	"	624.56	Oct. 21,1889	1,830.90	7.90	2,463.36
4. Aloysius M. Flynn	"	707.85	July 7,1890	2,044.86	8.25	2,760.96
5. James A. A. Seaman	"	122.26	Sept.18,1895	315.07	8.25	445.58
6. James H. Anderson	"	217.70	Sept.18,1895	561.01	8.25	786.96
7. Archibald Ensminger	"	386.15	July 1,1889	1,139.10	9.75	1,535.01
8. Thomas Dulaney	"	91.61	Sept.18,1895	236.08	8.25	335.94
9. John F. Dulaney	"	95.95	Sept.18,1895	247.26	8.25	351.46
10. James Marrow	"	640.00	Feb. 10,1890	1,864.53	8.25	2,512.78
11. Daniel Sterling	"	361.09	July 7,1890	1,043.13	8.65	1,412.37
12. J. H. Medairy & Co.	"	124.48	May 12,1890	360.74	8.25	493.47
13. James F. Dugan	"	453.99	Sept.18,1895	1,169.58	8.25	1,631.82
14. Margaret Shipley	"	216.86	Sept.18,1895	558.33	8.25	783.24
15. Joseph N. Shipley	"	25.60	May 17,1890	74.17	2.20	101.97
16. J. M. Miller & Bro.	"	96.20	July 6,1889	283.59	1.85	381.74
17. J. M. Miller & Bro.	"	9.90	July 6,1889	29.19	1.85	40.94
18. George Thompson	"	340.30	Sept.18,1895	878.25	8.25	1,227.30
19. William A. Johnson	"	520.96	Sept.18,1895	1,342.51	8.25	1,871.72
20. Edward Rickard	"	298.46	Sept.18,1895	769.13	8.25	1,075.84
21. Vandel Johnson	"	379.05	Sept.18,1895	976.81	8.25	1,364.11
22. Solomon Troup	"	540.53	Jan. 6,1890	1,577.81	8.25	2,126.59
23. Harry L. Troup	"	192.36	Sept.18,1895	495.71	8.25	696.32
24. Simon Poffenberger	"	23.75	May 17,1890	68.81	1.85	94.41
25. John Chaney	"	20.75	May 17,1890	60.12	1.85	82.72
26. Matilda Chrisman	"	91.77	June 21,1890	265.35	2.00	359.12
27. Samuel F. Culbertson	"	40.80	June 28,1889	120.38	1.85	163.03
28. Lewis Chaney	"	42.30	May 17,1890	122.55	1.85	166.70
29. Samuel Moravy	"	63.60	May 17,1890	184.26	1.85	249.71
30. George Martz	"	578.25	Jan. 18,1890	1,686.76	8.00	2,273.01
31. L. C. Hettenhouser	"	1,161.40	Apr. 24,1891	3,299.54	8.00	4,468.94
32. James A. Foster	"	285.28	Aug. 21,1895	736.45	8.00	1,029.73
33. Dennis A. Perrin	"	899.90	Oct. 14,1889	2,639.10	8.00	3,547.00
34. Chas. Diffendal	Account	266.28	Sept. 1,1896	670.99	-	937.27
35. John C. Brady	Judgment	7,664.90	Feb. 28,1898	18,628.25	19.24	26,312.39
36. Lloyd Lowndes, Surviving Partner	"	31,915.52	Mar. 1,1898	77,549.39	16.55	109,481.46
37. James Reynolds	"	10,535.93	Feb. 28,1898	25,605.82	38.55	36,180.30
38. Rose Ann Martin (Patrick Murray)	"	1,218.31	Feb. 28,1898	2,960.90	15.75	4,194.96
39. Maria L. Callan	"	391.44	July 3,1890	1,131.07	9.70	1,532.21
40. Ellen S. Stubblefield	"	32,768.83	Feb. 28,1898	79,639.13	24.55	112,432.56
41. John C. Brady, et.al.	"	1,450.70	Mar. 1,1898	3,524.96	20.72	4,996.38
42. Sarah Wright	"	2,656.84	Feb. 28,1898	6,457.01	15.60	9,129.45
43. Walsh & McKaig	"	600.00	Feb. 28,1898	1,458.20	71.02	2,129.22
44. Joseph H. Murray	"	228.37	Nov. 18,1889	668.44	8.25	905.06
45. Sallie C. Goddard	"	3,489.06	Sept.18,1895	8,991.31	8.25	12,488.62
46. James E. Hughes	"	300.89	Sept.18,1895	775.40	8.25	1,084.54
47. John Drenner	"	134.39	Sept.18,1895	346.33	8.25	488.97
48. Thomas Little	"	460.14	Sept.18,1895	1,185.78	8.25	1,654.17
49. Miller & Herbert	"	178.33	Sept.18,1895	459.56	8.25	646.14
50. M. V. B. Harsh & Co.	"	148.42	Sept.18,1895	382.48	8.25	539.15
51. John S. Grove	"	107.13	Sept.18,1895	276.07	8.25	391.45
52. John V. Myers	"	689.60	Sept.18,1895	1,777.10	8.25	2,474.95
53. Michael Noland	"	150.26	Sept.18,1895	387.22	8.25	545.73
54. Barbara Kidwiler	"	93.10	Sept.18,1895	239.92	8.25	341.27
55. Daniel Souders	"	160.90	Sept.18,1895	414.64	8.25	583.79
56. Daniel M. Reed	"	623.47	July 7,1890	1,801.10	8.25	2,432.82
57. Silas H. Drenner	"	330.50	Sept.18,1895	851.70	8.25	1,190.45
58. Philip T. Little	"	1,151.53	Nov. 18,1889	3,370.53	8.25	4,530.31
59. Lewis Eichelberger	"	73.70	Aug. 5,1889	216.98	13.15	303.83
60. John T. Shupp	"	242.40	Aug. 5,1889	713.87	9.25	965.32
61. Benjamin F. Charles	"	79.38	Nov. 18,1889	232.35	8.25	319.98
62. Henry Tedrick	"	321.07	Nov. 18,1889	939.77	8.25	1,269.09
63. Albertus Spencer & Co.	"	1,038.00	Apr. 1,1889	3,077.50	8.75	4,124.25
64. Albertus Spencer & Co.	"	1,298.43	July 7,1890	3,750.95	8.25	5,057.63
65. John Jackson	"	20.90	Sept.20,1890	60.12	1.50	82.52
66. Neal Davis	"	37.55	Aug. 15,1895	96.97	1.75	136.27

EXHIBIT "A"
(cont.)

Claimant	Kind of Claim	Principal Amount	INTEREST		Court Costs	Total
			From	Amount		
67. Catherine Herlihy	Judgment	\$ 99.00	July 6,1889	\$ 291.95	\$ 1.85	\$ 392.80
68. Joshua C. Wilson	"	149.33	Sept.18,1895	384.83	8.25	542.41
69. James P. Biser	Account	1,477.02	Aug. 31,1900	3,367.36	-	4,844.38
70. V. J. Holzinger	"	410.00	July 1,1889	1,209.50	-	1,619.50
71. John T. Edwards	"	1,827.05	Mar. 1,1890	5,316.71	-	7,143.76
72. Michael Whitney	Judgment	496.64	Oct. 7,1889	1,457.07	8.25	1,961.95
73. Everett B. Miller	"	59.80	Apr. 5,1890	173.67	1.75	235.22
74. Annie Hook	"	132.68	Nov. 18,1889	388.35	8.25	529.28
75. Peter Kelley	"	1,227.06	Jan. 13,1890	3,580.36	8.00	4,815.42
76. William E. Walsh, et.al.	"	600.00	Feb. 16,1881	2,071.40	71.02	2,742.42
77. Wm. E. Walsh	"	49.29	Oct. 29,1889	144.43	4.73	198.45
78. James Noonan	"	334.08	Jan. 6,1890	975.18	8.00	1,317.26
79. Samuel F. Sterling	"	854.09	Nov. 18,1889	2,499.92	8.25	3,362.26
80. Christian M. Renninger	"	76.24	Nov. 28,1889	223.02	1.60	300.86
81. Martha Woltz	"	32.25	Sept.20,1890	92.78	1.50	126.53
82. Edward Mulvany	Account	2,183.76	Sept. 1,1896	5,502.72	-	7,686.48
83. Samuel D. Young	Judgment	1,264.03	Aug. 22,1895	3,262.88	8.00	4,534.91
84. Apollis Spring	"	262.50	July 3,1890	768.49	8.25	1,029.24
85. County Commissioners, Frederick Co.	"	1,255.60	Feb. 2,1885	4,036.33	47.52	5,339.45
86. Samuel J. Edwards & Son	Account	24.65	Sept. 1,1896	62.11	-	86.76
87. Hugh Darkey	Judgment	502.94	Aug. 28,1896	1,267.58	8.95	1,779.47
88. James Turner	"	390.08	Oct. 7,1889	1,144.43	8.25	1,542.76
89. Thomas Connell	"	732.76	Jan. 13,1890	2,138.08	8.00	2,878.84
90. F. Marten's Sons	Account	3,987.67	Aug. 1,1889	11,743.68	-	15,731.35
91. Thomas E. Bissett	"	254.50	Dec. 31,1889	743.14	-	997.64
92. John W. Fields	"	305.00	July 1,1889	899.75	-	1,204.75
93. Charles P. Ranneberger	"	100.00	Jan. 1,1888	304.00	-	404.00
94. Wm. A. Johnson	"	12.70	June 1,1885	40.57	-	53.27
95. Wm. L. Gross	"	160.05	Apr. 1,1889	474.55	-	634.60
96. Snyder and Fernsner	Judgment	199.86	Jan. 6,1890	583.39	8.25	791.50
97. Wesley J. Burgan	Account	103.90	July 1,1889	306.51	-	410.41
98. Thomas D. Collier	"	75.00	July 1,1889	221.25	-	296.25
99. George Birdette	"	305.00	July 1,1889	899.75	-	1,204.75
100. Frances Boswell	"	405.00	July 1,1889	1,194.75	-	1,599.75
101. B. D. Chambers	"	358.72	Aug. 1,1888	1,077.95	-	1,436.67
102. Clendenin Brothers	"	157.91	May 17,1889	466.97	-	624.88
103. Laura V. Deck (Frank Fisher)	"	291.00	July 1,1889	858.45	-	1,149.45
104. Clayton S. Fields	"	105.80	July 2,1889	312.08	-	417.88
105. Clayton S. Fields	"	172.50	Apr. 1,1889	511.46	-	683.96
106. Levi Heuser	"	185.00	July 1,1889	545.75	-	730.75
107. Daniel Marmaduke	"	86.90	June 1,1889	256.79	-	343.69
108. Samuel Mose	Judgment	54.00	Apr. 5,1890	156.83	1.50	212.33
109. John G. Stone	Account	110.10	Sept. 1,1888	330.30	-	440.40
110. R. E. Taney	"	155.00	June 1,1889	458.03	-	613.03
111. James Willard	"	420.00	Nov. 1,1884	1,356.60	-	1,776.60
112. George L. Scaggs	"	270.00	June 1,1889	797.85	-	1,067.85
113. Wm. King	"	130.00	July 1,1889	383.50	-	513.50
114. John Dugan	"	241.42	Jan. 1,1890	704.95	-	946.37
115. Thomas J. Lemen	"	79.45	July 1,1888	239.15	-	318.60
116. Wm. Allen	"	183.00	July 1,1889	539.85	-	722.85
117. Thomas W. Davis	"	200.00	Apr. 22,1885	640.27	-	840.27
118. Peter E. Dawson	"	391.80	July 15,1889	1,154.82	-	1,546.62
119. Hickman and Bitzer	"	40.00	Jan. 1,1884	131.20	-	171.20
120. Wm. Show	Judgment	23.10	Apr. 5,1890	67.08	1.50	91.68
121. Kate Dunn	Account	110.00	July 1,1889	324.50	-	434.50
122. Wolf Nordlinger	"	890.56	July 1,1889	2,627.15	-	3,517.71
123. Wm. T. Jones	"	84.75	July 1,1889	250.01	-	334.76
124. Charles Stewart	"	298.70	June 1,1889	882.65	-	1,181.35
125. John W. Burgess	"	915.75	July 1,1889	2,701.47	-	3,617.22
126. W. H. Riley	"	270.00	July 1,1889	796.50	-	1,066.50
127. Wm. T. Coulehan	Judgment	3,600.31	Jan. 5,1891	10,293.89	13.20	13,907.40
128. John W. Carder	"	729.56	Jan. 15,1890	2,128.49	8.00	2,866.05
129. Upton Darby & Son	Account	60.00	July 1,1888	180.60	-	240.60
Grand Totals		\$141,926.38		\$365,836.62	\$ 884.15	\$508,647.15

NOTES:

- (1) Claims Nos. 1 to 88, inclusive, have been assigned to Robert Garrett & Sons, and reassigned by Robert Garrett & Sons to The Baltimore and Ohio Railroad Company.
- (2) Claims Nos. 69 to 126, inclusive, have been assigned to the Chesapeake & Ohio Transportation Company, and reassigned by the Chesapeake & Ohio Transportation Company to The Baltimore and Ohio Railroad Company.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al, : CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

This, the Auditor's First Report in the above entitled cause, respectfully shows:

That he has examined the proceedings in said cause and from them has stated the within Account.

He has charged Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in the above entitled cause, with the entire amount of the purchase price for the property, rights and franchises sold in these proceedings to the United States of America in the amount of \$2,000,000.00, and has also charged the said Receivers with the full amount of the purchase price for the property sold in said proceedings unto The Baltimore and Ohio Railroad Company in the amount of \$100,000.00, making the total purchase price for said properties the amount of \$2,100,000.00.

That in accordance with the request of said Receivers as shown by the Second Supplemental Report of said Receivers, he has distributed the sum of \$1,900,000.00 of said proceeds of sale, allowing said Receivers to retain in their hands the sum of \$200,000.00 for further and subsequent distribution.

That he has credited the said Receivers with the cost of all order nisi published in these proceedings and the cost of giving notice to creditors, notary fees, premiums on bonds, and appearance fee to solicitors, and thereafter has made distribution to the lien holders in the order of their respective

priorities as follows:

He has first distributed to The Potomac Light and Power Company the sum of \$11,500.00 representing an amount due said Company in accordance with an agreement of the surviving Trustee, in said cause, with The Potomac Light and Power Company, dated August 28, 1936, and in accordance with an order of this Honorable Court passed in reference thereto on September 22, 1938.

He has then distributed unto the Baltimore and Ohio Railroad Company, holder of all the Canal Bonds of 1878, issued and outstanding, the sum of \$308,726.75 in full payment of the principal and interest thereon.

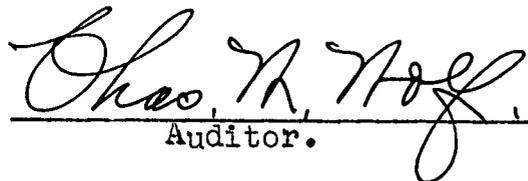
He has then distributed to the Baltimore and Ohio Railroad Company, Assignee of claims filed under the Act of 1896, Chapter 136 $\frac{1}{2}$, and under the Act of 1900, Chapter 270, the sum of \$508,647.15 representing the principal thereof with interest and Court costs in connection therewith, in accordance with said Acts, and as shown by a list thereof attached to the Second Supplemental Report of the Receivers filed in these proceedings, as per assignments of said respective claims to the Baltimore and Ohio Railroad Company.

He has then distributed to the Baltimore and Ohio Railroad Company the sum of \$1,062,641.07 as part payment on a mortgage from the Chesapeake and Ohio Canal Company to the State of Maryland, dated April 23, 1835, by virtue of Chapter 241 of the Act of 1834, which is recorded among the Land Records of Washington County, Maryland, in Liber PP, folio 738, in the principal amount of \$2,000,000.00, and thereafter confirmed by mortgage dated January 8, 1846, by virtue of Chapter 281 of the Act of 1844, and which is recorded among the aforesaid Land Records in Liber IN No. 3, folio 137, which said mortgages by mesne assignments are presently held by the Baltimore and Ohio Railroad Company.

That as heretofore stated, he has allowed a balance to be retained by the Receivers in the amount of \$200,000.00 for further distribution to labor claims and judgments that may be properly filed and proven under the aforesaid Acts of 1896 and 1900, including interest thereon, and further distribution to costs, commissions, counsel fees, and auditors' fees, and for further distribution to claims properly proven in the order of their priorities.

That he has considered the matter of the bonds arising under a certain mortgage dated June 5, 1848, given by the Chesapeake and Ohio Canal Company in pursuance of an Act of 1844, Chapter 281, to secure an issue of bonds amounting to \$1,700,000.00, and in accordance with the opinion of Chief Judge Alvey, in the Consolidated Canal Cases, reported in 73 Maryland, 567, and the opinion of the Court of Appeals of Maryland, in said Canal Cases, reported in 83 Maryland, 549, he finds that the lien of said bonds is limited to the net revenues and tolls of the Canal Company and is not a lien on the property, rights and franchises, and since the funds being here distributed arise solely from the sale of property, rights and franchises, he has made no distribution to said bonds.

All of which will more fully appear from the within annexed Account which is herewith respectfully submitted.



Auditor.

September 30th, 1938.

THE TRUST ESTATE OF CHESAPEAKE & OHIO CANAL COMPANY, IN
 ACCOUNT WITH EDGAR W. YOUNG, R. S. B. HARTZ AND GEORGE L.
 NICOLSON, RECEIVERS IN EQUITY CAUSES NOS. 4191 - 4198
 CONSOLIDATED CASES

September 30th, 1938

Dr.

Cr.

By this sum, being the total amount of the purchase price for the real estate and property sold in these proceedings as per Receivers Report of Sale and Supplemental Report filed herein, \$2,100,000.00

To The Law Reporter Printing Co., Washington, D. C., Order Nisi	\$	16.83	
" The Evening Star Newspaper Co., Washington, D. C., Order Nisi		19.35	
" Lane & Mish, Apps. Fee		10.00	
" Herald-Mail Co., Order Nisi & Notice to Creditors		12.50	
" News Post Co., Frederick, Md., Order Nisi		4.65	
" Times & Alleganian Co., Order Nisi, Cumberland, Md.		4.00	
" Montgomery County Sentinel Rockville, Md., Order Nisi		4.00	
" Washington Post Co., Washington, D. C., Order Nisi		11.70	
" Alice S. Himelright, Notary Public		2.00	
" McComas-Armstrong, Inc., Premium on Bond,		8,280.00	
" Lehnert, Griffin & Anderson, Inc., Premium on Bond,		120.00	
" Balance for further distribution,		<u>2,091,514.97</u>	
		\$2,100,000.00	\$2,100,000.00

By Balance for further distribution,
 which is distributed as follows: 2,091,514.97

To Potomac Light and Power Company
 For refund balance of amount advanced
 to the Trustees in accordance with an
 Agreement dated July 28, 1936, which
 would represent a refund of rent as
 stipulated in said agreement commencing
 October 1st, 1938, at the rate of
 \$125.00 per month, 11,500.00

To Baltimore & Ohio Railroad Co.
 For Principal and Interest on Canal
 Bonds of 1878 issued and outstanding
 For Principal Amount of
 Bonds \$132,500.00
 For Interest accrued there-
 on to September 1, 1938 176,226.75
 308,726.75

To Baltimore & Ohio Railroad
 Co., Assignee
 (a) For Principal Amount of
 Claims filed under Act
 of 1896, Chapter 136½
 and under Act of 1900,
 Chapter 270 141,926.38

(b) For legal interest thereon
to Sept. 1st, 1938 . . . 365,836.62

(c) For Court costs on same . . . 884.15 \$508,647.15

Note: A list of these claims
is attached as Exhibit "A"
to Second Supplemental Report.

To Baltimore & Ohio Railroad
Company, Assignee, in part
payment of principal, with
legal interest due thereon,
of loan from the State of
Maryland in the amount of
\$2,000,000.00 secured by
mortgage, dated April 23,
1835, by virtue of Chapter
241 of the Acts of 1834 and
which is recorded among the
Land Records of Washington County,
Maryland, in Liber P.P. Folio 738,
and thereafter confirmed by mortgage
dated January 8, 1846, by virtue of
Chapter 281 of the Acts of 1844 and
which is recorded among the afore-
said Land Records in Liber IN No. 3,
folio 137, which said mortgages were
sold and transferred by the Board of
Public Works of the State of Maryland,
by Deed dated January 4, 1905, to Fairfax
S. Landstreet and assigned by him, by Deed
dated July 29, 1907, to Continental Trust
Company, Trustee, now Maryland Trust Com-
pany, Successor Trustee, and which has
now been transferred to The Baltimore &
Ohio Railroad Company, 1,062,641.07

To Balance retained in the hands of these
Receivers for further distribution to
labor claims and judgments that may be
properly filed and proven under the afore-
said Acts of 1896 and 1900 including
interest thereon and further distribution
to costs, commissions, counsel and
auditors' fees and for further distribu-
tion to claims properly proven in the
order of their priorities, 200,000.00

2,091,514.97 \$2,091,514.97

NOS. 4191 and 4198 EQUITY

EXCEPTIONS TO RATIFICATION OF
AUDITOR'S REPORT AND ACCOUNT
NO. 1

Filed Oct. 13. 1938

GEORGE S. BROWN, ET AL * IN THE CIRCUIT COURT FOR
VS: * WASHINGTON COUNTY
CHESAPEAKE AND OHIO CANAL * NOS. 4191 and 4198 EQUITY
COMPANY, ET AL * CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:--

S. Rinehart Cohill, respectfully objects and excepts to the Auditor's Report and Account No. 1 filed in the above entitled case on the 30th day of September, 1938, for the following reasons:--

1. Because of the Auditor's finding that the Canal bonds of 1878 had precedence over judgments of record in Alleghany County Court prior thereto, existing, unpaid and unsatisfied.

2. Because of distribution to the Baltimore and Ohio Railroad Company of the sum of \$308,726.75 or any other sum as holder of the Canal Bonds of 1878, before other claims are disposed of.

3. Because the finding that the Baltimore and Ohio Railroad Company as Assignee, of certain claims filed under the Acts of 1896 and 1900, was entitled to payment without considering like claims of other claimants arising under the same Acts and having the same priority.

4. Because the distribution to the Baltimore and Ohio Railroad of the sum of \$508,647.15 for such claims under the Acts of the General Assembly of Maryland of 1896 and 1900 was improper without distributing proper amounts to other claimants under the same Acts and having the same priority.

5. Because of the Auditor's failure to award to S. Rinehart Cohill the amount of his claim with interest and costs under No. 85 Judicials April Term 1850 in the Circuit Court for Allegany County.

6. Because the Auditor failed to award to S. Rinehart Cohill the amount of his claims upon notes of Chesapeake and Ohio Canal Company issued on September 13, 1842 for labor and mater-

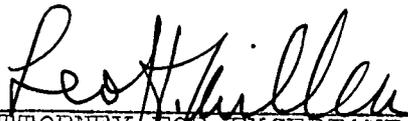
ials furnished, which notes were outstanding and unpaid and the priorities of which were expressly reserved to the claimants under the terms of the assignment to one Langstreet of all of the bonds and mortgages held by the State of Maryland against the Chesapeake and Ohio Canal Company, which bonds were purchased from the said Langstreet by the Baltimore and Ohio Railroad Company under and subject to the terms of the said assignment to him; and which include all of the bonds now held by the Baltimore and Ohio Railroad Company, including those under the mortgage of 1835 and those under the mortgage of 1878.

7. Because the Auditor was without authority to give preference to and order distribution to the Baltimore and Ohio Railroad Company of the sum of \$1,062,641.07, as part payment on a certain mortgage of 1835.

8. Because the Auditor failed to reserve in the hands of the Receivers sufficient funds to pay all prior claims, labor claims and judgments, costs, commissions, counsel fees and auditor's fees, etc.

9. This Exceptant objects to the ratification of the said Report for other reasons which will be presented to this Honorable Court at the hearing of these Exceptions.

Respectfully submitted,



ATTORNEY FOR EXCEPTANT.

NOS. 4191 and 4198 EQUITY
CONSOLIDATED CASES

Petition to substitute Real
Estate & Improvement Company
of Baltimore City as purchaser,
instead of the Baltimore &
Ohio Railroad Company, con-
sent of the Receivers there-
to, and Order of Court thereon.

LAW OFFICES

LANE AND MISH

HAGERSTOWN TRUST BUILDING

HAGERSTOWN, MD.

Filed Oct 18th 1938

GEORGE S. BROWN, et al	:	IN THE CIRCUIT COURT FOR
	:	
vs.	:	WASHINGTON COUNTY, MARYLAND
	:	
CHESAPEAKE AND OHIO CANAL	:	NOS. 4191 and 4198 EQUITY
COMPANY, et al,	:	
	:	CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of The Baltimore and Ohio Railroad Company, a corporation, and of The Real Estate and Improvement Company of Baltimore City, a corporation, respectfully shows:

1- That Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in the above entitled cause, entered into an agreement with The Baltimore and Ohio Railroad Company for the sale of certain property and rights at and for the purchase price of \$100,000.00, and that said sale was thereafter, on August 13, 1938, reported to this Court, and that thereafter, on the 9th day of September, 1938, this Court finally ratified and confirmed said sale.

2- That said property and rights so sold are particularly described in Exhibit "A" attached to the agreement of sale which was reported to and ratified by this Court.

3- That thereafter, upon the further report of said Receivers, this Court ordered and directed on September 22, 1938, "that upon the payment of the purchase price of \$100,000.00 by The Baltimore and Ohio Railroad Company, to said Receivers, said Receivers are authorized and directed to convey to The Baltimore and Ohio Railroad Company all of the property, rights and franchises set forth as reserved portions in Exhibit 'A' which was attached to the agreement of sale between said Receivers and the United States of America, as a part thereof, and heretofore reported to and ratified by this Court."

4- That thereafter, The Baltimore and Ohio Railroad Company has paid over to said Receivers the full amount of said purchase price, to wit, the sum of \$100,000.00.

5- The Baltimore and Ohio Railroad Company has transferred all of its right, title and interest in and to said agreement of sale and its rights thereunder, to The Real Estate and Improvement Company of Baltimore City.

TO THE END THEREFORE,

Your petitioners pray your Honorable Court to pass an order directing said Receivers to convey to The Real Estate and Improvement Company of Baltimore City, all of said property and estate, as set forth in the agreement of sale and as reported to have been made to The Baltimore and Ohio Railroad Company, said conveyance of said property and estate to be made to The Real Estate and Improvement Company of Baltimore City as a substituted purchaser for and as assignee of The Baltimore and Ohio Railroad Company.

Respectfully submitted,

THE BALTIMORE & OHIO RAILROAD CO.

By *W. W. [Signature]*
Senior Vice President.

ATTEST:

E. F. May
Secretary.

THE REAL ESTATE AND IMPROVEMENT
COMPANY OF BALTIMORE CITY

By *George H. [Signature]*
President

ATTEST:

E. F. May
Secretary.

STATE OF MARYLAND, BALTIMORE CITY, to-wit:

I HEREBY CERTIFY, that on this 15th day of October, 1938, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, personally appeared George M. Shriver, the Senior Vice President of The Baltimore and Ohio Railroad Company, and Geo. Lobbin Penniman the Vice President of The Real Estate and Improvement Company of Baltimore City, who respectively made oath in due form of law that the matters and facts set forth in the foregoing petition are true.

WITNESS my hand and Official Notarial Seal.

Andrew Schuyler
Notary Public.

My Commission expires
May 1 1939

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
 vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al, : CONSOLIDATED CASES

The undersigned, Edgar W. Young, R. S. B. Hartz and George L. Nicolson, Receivers in the above entitled cause, do hereby consent to the substitution of The Real Estate and Improvement Company of Baltimore City, as purchaser, in the place and stead of The Baltimore and Ohio Railroad Company, and said Receivers do further consent to the passage of the Order of Court as herein prayed.

Edgar W. Young

R. S. B. Hartz

G. L. Nicolson

Receivers in Nos. 4191 and
4198 Equity - Consolidated Cases.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al : CONSOLIDATED CASES

ORDER OF COURT

The foregoing petition of the Baltimore and Ohio Railroad Company and The Real Estate and Improvement Company of Baltimore City and the affidavit thereto, having been read and considered, together with the consent of Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in this cause, to the substitution as purchaser, as in said petition prayed, it is thereupon this 18th day of October, 1938, ordered, adjudged and decreed by the Circuit Court for Washington County, Maryland, sitting as a Court of Equity:

That so much of the Order of this Court passed on the 22nd day of September, 1938, directing that upon the payment of the purchase price of \$100,000.00 by the Baltimore and Ohio Railroad Company, to said Receivers, said Receivers are authorized and directed to convey to the Baltimore and Ohio Railroad Company all the property, rights and franchises set forth as reserved portions in Exhibit "A" which was attached to the agreement of sale between said Receivers and the United States of America, as a part thereof, and heretofore reported to and ratified by this Court, be, and the same is hereby amended to the extent that said Receivers are authorized and directed to make said conveyance to the Baltimore and Ohio Railroad Company.

And it is further ordered, adjudged and decreed, that said Receivers are authorized and directed to convey to The

Real Estate and Improvement Company of Baltimore City, in the place and stead of the Baltimore and Ohio Railroad Company, all of the property, rights and franchises set forth as reserved portions in said Exhibit "A" which was attached to the agreement of sale between said Receivers and the United States of America, as a part thereof, and heretofore reported to and ratified by this Court.

Frank G. Vazquez

ORDER OF COURT
RATIFYING AUDITOR'S
ACCOUNT NO. 1-

Filed Oct. 25, 1938

ORDER OF COURT RATIFYING AUDITOR'S ACCOUNT NO. 1-

THE COURT OF EQUITY, in and for the County of ...
DO hereby certify that the Auditor's Account No. 1- ...
has been examined and found correct and true ...
and that the same is hereby ratified and approved ...

George A Brown
et al

VS.

Chesapeake, Ohio Canal
Co et al

4191
4198
No. EQUITY

In the Circuit Court for Washington County

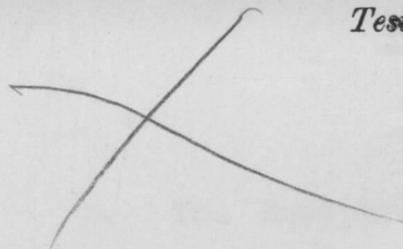
SITTING AS A

COURT OF EQUITY

Auditor's Report and Account No. 1- filed in this cause.....

Sept 30 1938, will be ready for final ratification after the same shall have
lain fourteen days in Court agreeable to Rule No. XXI.

Test :

 Edward Oswald Clerk.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al : CONSOLIDATED CASES

ORDER OF COURT

The Exceptions in this case filed on October 10, 1938, to the ratification of the Auditor's Report and Account No. 1, filed on September 30, 1938, having come on for hearing and the parties thereto having been fully heard, it is, thereupon, this 3rd day of October, 1938, ORDERED, ADJUDGED and DECREED, by the Circuit Court for Washington County, sitting as a Court of Equity, that the Exceptions to the ratification of said Account be and the same are hereby overruled, and it is further ORDERED, ADJUDGED and DECREED, that the said Report and Account of the Auditor be and the same is hereby, finally ratified and confirmed, no sufficient cause to the contrary having been shown, except that with respect to the distribution therein shown to the Potomac Light and Power Company for refund of balance of amount advanced to the Trustees in accordance with an agreement dated July 28, 1936, which would represent a refund of rent as stipulated in said agreement commencing October 1, 1938, at the rate of \$125.00 per month, shall be changed to read as follows:

"To Potomac Light and Power Company
For refund of balance of amount
advanced to the Trustees in accord-
ance with an agreement dated July
28, 1936, which would represent a
refund of rent as stipulated in said
agreement commencing November 1,
1938, at the rate of \$125.00 per
month."

And it is further ORDERED, ADJUDGED and DECREED, that the Exceptions filed by S. Rinehart Cohill are hereby overruled without prejudice to him, but preserving to him the right to further prove what claim, if any, he may have before the Auditor of this Court, in connection with the further distribution of funds in this cause.

Frank F. Wagaman

NOS. 4191 and 4198 EQUITY

Petition of Receivers to
settle claim of Frances J.
Worthington and Order of
Court thereon.

Filed Nov. 17, 1938

LAW OFFICES

LANE AND MISH

HAGERSTOWN TRUST BUILDING

HAGERSTOWN, MD.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
vs : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO : NOS. 4191 and 4198 EQUITY
CANAL COMPANY, et al : CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

This, the Petition of Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in the above entitled cause, respectfully shows:

That for the period of Fifteen (15) years past, the predecessor Trustees in this cause have employed Frances J. Worthington as a Cashier and Bookkeeper in the management of the affairs of the Canal Company during the pendency of these proceedings at an annual salary of Fifteen Hundred Dollars (\$1,500.00).

That by reason of the sale of all of the property of said Canal Company, there will be no need, nor necessity, for the continuation of the services of the said Frances J. Worthington in said capacity.

That in view of the fact that the Agreement of Employment of the said Frances J. Worthington was upon an annual basis, she would have a claim against your Receivers for continued services until the end of the current year of accounting.

That your Receivers have discussed the situation and the possible claim with her and have agreed, with her, to the settlement thereof by the payment of the sum of Four Hundred Dollars (\$400.00), which payment and amount your Receivers consider to be a fair and reasonable settlement of said matter.

TO THE END THEREFORE,

Your Receivers pray this Honorable Court to pass an Order

authorizing and directing them to settle the claim of the said Frances J. Worthington by the payment to her of the said sum of Four Hundred Dollars (\$400.00) upon the receipt from her of a Release of any and all obligations.

AND AS IN DUTY BOUND, ETC.

Edgar W. Young

R. S. B. Hartz

G. L. Nicolson

RECEIVERS, CHESAPEAKE AND OHIO
CANAL COMPANY

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

I HEREBY CERTIFY, that on this 12th day of November, A. D., 1938, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, personally appeared Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, the Receivers in the above entitled cause, and they made oath in due form of law that the matters and facts set forth in the foregoing petition are true, as therein stated, to the best of their knowledge, information and belief.

WITNESS my hand and Official Notarial Seal.

Fearless M. Williams
Notary Public

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al : CONSOLIDATED CASES

ORDER OF COURT

The foregoing Petition having been read and considered,
it is, thereupon, this 17th day of November, 1938, ORDERED,
ADJUDGED and DECREED, by the Circuit Court for Washington County,
sitting as a Court of Equity, that Edgar W. Young, R. S. B. Hartz
and G. L. Nicolson, Receivers in the above entitled cause, be and
they are hereby authorized and directed to settle the claim of
Frances J. Worthington by the payment of the sum of Four Hundred
Dollars (\$400.00), which payment shall be made upon the receipt
from the said Frances J. Worthington of a Release of any and all
claims and liability.

Frank E. Waggoner

NOS. 4191 and 4198 EQUITY

Petition of Receivers with
reference to the employment
of Auditing Personnel and
Order of Court thereon.

Filed Nov. 17, 1938

LAW OFFICES
LANE AND MISH
HAGERSTOWN TRUST BUILDING
HAGERSTOWN, MD.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al : CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

This, the Petition of Edgar W. Young, R. S. B. Hartz and
G. L. Nicolson, Receivers in the above entitled cause, respectfully shows:

That since entering upon their duties as such Receivers they
have found it necessary to make audits of all of the books of account
of their predecessor Trustees since the inception of the litigation in
these causes in 1890 for the purpose of obtaining information necessary
to the proper determination of a number of questions that have and will
arise relative to their duties as such Receivers, and more particularly
in connection with the propriety of the distribution vel non of monies
received by them as such Receivers.

That in order to properly and thoroughly accomplish such
investigation and audit it has been necessary for your Receivers to
employ persons particularly qualified in the business of accounting and
auditing.

That they, accordingly, employed Mr. R. P. Barker, an Accountant,
for a period of Seventy-five (75) days, at a per diem of Ten Dollars (\$10.00)
per day, and they also employed Mr. A. F. Hoffman, an Auditor, for a period
of Fifty (50) days, at a per diem of Seven Dollars (\$7.00) per day, and they
also employed Mr. Charles P. McEvoy, a Special Accountant, for a period of
Thirty (30) days, at a per diem of Ten Dollars (\$10.00) per day, and they
also employed Mr. Frank Nichols, an Auditor, for a period of Twenty (20)
days, at a per diem of Five Dollars (\$5.00) per day.

The employment of the above named individuals was necessary for
the purposes above set forth and their respective charges for the services
rendered are fair and reasonable.

TO THE END THEREFORE,

Your Receivers pray this Honorable Court to pass an Order authorizing and directing them to pay the said named individuals the amounts above indicated for their respective charges and as is indicated in bills attached hereto as a part hereof.

AND AS IN DUTY BOUND, ETC.

Edgar W. Young

R. S. B. Hartz

G. L. Nicolson

RECEIVERS, CHESAPEAKE AND OHIO
CANAL COMPANY.

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

I HEREBY CERTIFY, that on this 12th day of November, A.D., 1938, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, personally appeared Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, the Receivers in the above entitled cause, and they made oath in due form of law that the matters and facts set forth in the foregoing petition are true, as therein stated, to the best of their knowledge, information and belief.

WITNESS my hand and Official Notarial Seal.

Fearless M. Williams
Notary Public

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al : CONSOLIDATED CASES

ORDER OF COURT

The foregoing Petition having been read and considered, it is, thereupon, this 17th day of November, 1938, ORDERED, ADJUDGED and DECREED, by the Circuit Court for Washington County, sitting as a Court of Equity, that Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in the above entitled cause, be and they are hereby authorized and directed to pay to R. P. Barker the sum of Seven Hundred and Fifty Dollars (\$750.00) for services rendered as an Accountant, and to pay A. F. Hoffman, the sum of Three Hundred and Fifty Dollars (\$350.00) for services rendered as an Auditor, and to pay Charles P. McEvoy, the sum of Three Hundred Dollars (\$300.00) for services rendered as a Special Accountant, and to pay Frank Nichols, the sum of One Hundred Dollars (\$100.00) for services rendered as an Auditor.

Frank E. Wagman

Baltimore, Maryland,

November 15, 1938.

Messrs. E. W. Young, R. S. B. Hartz,
and G. L. Nicolson, Receivers,
Chesapeake and Ohio Canal Company,
Washington, D. C.

To:- R. P. BARKER, Accountant

Dr.

For: Services undertaken at request of the Receivers between May 10, 1938 and November 15, 1938 covering an audit of the accounts of the Canal Trustees from December 1, 1890 to May 3, 1938; closing the accounts of the said Trustees; audit of the accounts of the Receivers from May 4, 1938 to November 15, 1938; making a detailed examination of the records covering the so-called labor claims and judgments filed in the office of the Clerk of the Circuit Court for Washington County, Maryland, including an audit of said claims, computation of interest accrued on each to date of payment on September 1, 1938, and preparation of a statement of the said claims; compilation of a list of lessees and licensees and preparation of numerous reports requested by the Receivers from time to time.

For services, 75 days at \$10.00 a day \$ 750.00

Baltimore, Maryland,

November 15, 1938.

Messrs. E. W. Young, R. S. B. Hartz,
and G. L. Nicolson, Receivers,
Chesapeake and Ohio Canal Company,
Washington, D. C.

To:- A. F. HOFFMAN, Auditor

Dr.

For services undertaken at request of the Receivers between May 10, 1938 and November 15, 1938 covering an audit of the accounts of the Canal Trustees from December 1, 1890 to May 3, 1938; closing the accounts of the said Trustees; audit of the accounts of the Receivers from May 4, 1938 to November 15, 1938; making a detailed examination of the records covering the so-called labor claims and judgments filed in the office of the Clerk of the Circuit Court for Washington County, Maryland, including an audit of said claims, computation of interest accrued on each to date of payment on September 1, 1938, and preparation of a statement of the said claims; compilation of a list of lessees and licensees and preparation of numerous reports requested by the Receivers from time to time.

For services, 50 days at \$7.00 a day \$ 350.00

Baltimore, Maryland,

November 15, 1938.

Messrs. E. W. Young, R. S. B. Hartz,
and G. L. Nicolson, Receivers,
Chesapeake and Ohio Canal Company,
Washington, D. C.

To:- Charles P. McEvoy, Special Accountant Dr.

For services undertaken at request of the Receivers
between August 15, 1938 and November 15, 1938
covering a detailed investigation of the files
and records of the Canal Trustees and compilation
of information relating to the leases and
licenses which had been granted to numerous
tenants to occupy Canal property along the
entire line of the Canal between Georgetown,
D. C. and Cumberland, Md.; making a study of
the terms of these leases and licenses; com-
pilation of reports; preparation and mailing
of notices of cancellation to tenants;
preparation of descriptions of certain
leases for transfer to the United States, etc.

For services, 30 days at \$10.00 a day \$ 300.00

Baltimore, Maryland,

November 15, 1938.

Messrs. E. W. Young, R. S. B. Hartz,
and G. L. Nicolson, Receivers,
Chesapeake and Ohio Canal Company,
Washington, D. C.

To:- FRANK NICHOLS, Auditor

Dr.

For services undertaken at request of the Receivers between May 10, 1938 and November 15, 1938 covering an audit of the accounts of the Canal Trustees from December 1, 1890 to May 3, 1938; closing the accounts of the said Trustees; audit of the accounts of the Receivers from May 4, 1938 to November 15, 1938; making a detailed examination of the records covering the so-called labor claims and judgments filed in the office of the Clerk of the Circuit Court for Washington County, Maryland, including an audit of said claims, computation of interest accrued on each to date of payment on September 1, 1938, and preparation of a statement of the said claims; compilation of a list of lessees and licensees and preparation of numerous reports requested by the Receivers from time to time.

For services, 20 days at \$5.00 a day \$100.00

NOS. 4191 and 4198 EQUITY

Petition of Receivers for
authority to settle claim of
Albert Sahli and Order of
Court thereon.

Filed Nov. 17, 1938

LAW OFFICES

LANE AND MISH

HAGERSTOWN TRUST BUILDING

HAGERSTOWN, MD.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO : NOS. 4191 and 4198 EQUITY
CANAL COMPANY, et al : CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

This, the Petition of Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in the above entitled cause, respectfully shows:

That for the period of Thirty-six (36) years past, the predecessor Trustees in this cause have employed Albert Sahli as a Chief Clerk in the management of the affairs of the Canal Company during the pendency of these proceedings at an annual salary of Twenty-four Hundred Dollars (\$2,400.00).

That by reason of the sale of all of the property of said Canal Company, there will be no need, nor necessity, for the continuation of the services of the said Albert Sahli in said capacity.

That in view of the fact that the Agreement of Employment of the said Albert Sahli was upon an annual basis, he would have a claim against your Receivers for continued services until the end of the current year of accounting.

That your Receivers have discussed the situation and the possible claim with him and have agreed, with him, to the settlement thereof by the payment of the sum of Twelve Hundred Dollars(\$1,200.00), which payment and amount your Receivers consider to be a fair and reasonable settlement of said matter.

TO THE END THEREFORE,

Your Receivers pray this Honorable Court to pass an Order

authorizing and directing them to settle the claim of the said Albert Sahli by the payment to him of the said sum of Twelve Hundred Dollars (\$1,200.00) upon the receipt from him of a Release of any and all obligations.

AND AS IN DUTY BOUND, ETC.

Edgar W. Young

R. S. B. Hartz

G. L. Nicolson

RECEIVERS, CHESAPEAKE AND OHIO
CANAL COMPANY.

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

I HEREBY CERTIFY, that on this 12th day of November, A. D., 1938, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, personally appeared Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, the Receivers in the above entitled cause, and they made oath in due form of law that the matters and facts set forth in the foregoing petition are true, as therein stated, to the best of their knowledge, information and belief.

WITNESS my hand and Official Notarial Seal.

Fearless M. Williams
Notary Public.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al : CONSOLIDATED CASES

ORDER OF COURT

The foregoing Petition having been read and considered,
it is, thereupon, this 17th day of November, 1938, ORDERED,
ADJUDGED and DECREED, by the Circuit Court for Washington County,
sitting as a Court of Equity, that Edgar W. Young, R. S. B. Hartz
and G. L. Nicolson, Receivers in the above entitled cause, be and
they are hereby authorized and directed to settle the claim of
Albert Sahli by the payment of the sum of Twelve Hundred Dollars
(\$1,200.00), which payment shall be made upon the receipt from the
said Albert Sahli of a Release of any and all claims and liability.

Frank E. Waggoner

CIRCUIT COURT FOR WASHINGTON
COUNTY, MARYLAND, NOS. 4191
and 4198, EQUITY, CONS. CASES

GEORGE S. BROWN, et al

v.

CHESAPEAKE AND OHIO CANAL
COMPANY, et al.

Petition for allowance of
fees and court costs.

Filed Nov. 17, 1938

HAMILTON AND HAMILTON
UNION TRUST BUILDING
WASHINGTON, D.C.

Hartz, with reference to the appointment of said Receivers; and they have continuously represented said Receivers from that time down to the present in all matters before the District Court of the United States for the District of Columbia and the Interior Department of the Government of the United States, with reference to the business of said Receivers and their dealings with the United States Government in the matter of the sale of said Canal.

These petitioners were required from time to time to file numerous petitions in the District Court of the United States for the District of Columbia and obtained orders thereon, confirmatory of proceedings had in this Honorable Court, and other petitions and orders of the District Court of the United States for the District of Columbia with reference to the conduct of the business of said Receivers, including a very large number of conferences with said Receivers and with officials of the Interior Department for and on behalf of said Receivers.

That the charge made by these petitioners for services rendered in the sum of \$2,500.00 covers the period from March 1, 1938, to September 15, 1938, the services thereafter rendered and to be rendered hereafter will be taken care of by a further bill covering the final period up to the termination of these proceedings.

These petitioners have been requested by the Receivers to file an ejectment suit in the name of George L. Nicolson, Trustee, against the present occupants of certain land in the District of Columbia which the Receivers are under agreement to convey to the United States when and if said ejectment suit is successfully determined in favor of the

Trustee. These petitioners have advised the Receivers that the courts costs which may be incurred in the prosecution of said suit will be \$100.00, which amount the Receivers have requested petitioners to include in their bill of costs hereto attached.

After careful consideration of the time spent and the services rendered to said Receivers since the date of their appointment down to September 15, 1938, these petitioners believe that they are reasonably entitled to receive from said Receivers for the services rendered the sum of \$2,500.00.

These petitioners further aver that they have heretofore advanced and expended in court costs and other charges for and on behalf of said Receivers the sum of \$39.67 as shown by their statement of costs hereto attached, which they pray to be allowed them in addition to said fee of \$2,500.00.

WHEREFORE, these petitioners pray that the court will allow them for services rendered for and on behalf of said Receivers in the District of Columbia the sum of \$2,500.00, and their costs already expended amounting to \$39.67, and in addition thereto the sum of \$100.00 to be used and expended in payment of ^{court} costs hereafter to be incurred in the prosecution of the ejectment suit above referred to, and that said Receivers be authorized to pay the same.

And for such other and further relief as to

the court may seem just and proper.

George E Harrison
Joseph Hamilton
Joseph Hamilton
Henry R Gower

We do solemnly swear that we have read the foregoing petition by us subscribed and know the contents thereof; that the matters and facts therein set forth are true to the best of our knowledge and belief.

George E Harrison
Joseph Hamilton
Joseph Hamilton
Henry R Gower

SUBSCRIBED and sworn to before me this 8th

day of November, 1938.

Frank J. Greenwalt.
Notary Public, D. C.

HAMILTON AND HAMILTON
 UNION TRUST BUILDING
 WASHINGTON, D. C.

GEORGE E. HAMILTON
 JOHN J. HAMILTON
 GEORGE E. HAMILTON, JR.
 HENRY R. GOWER
 WILLIAM A. GLASGOW
 LEO N. MCGUIRE

November 8th,
 1 9 3 8

EDGAR W. YOUNG, R. S. B. HARTZ and GEORGE L. NICOLSON,
 RECEIVERS OF THE C. & O. CANAL COMPANY,

TO HAMILTON and HAMILTON DR.

To Court costs and other items of charge expended for
 and on behalf of said Receivers, as follows:

1938		
May 2	- Deposit for Court costs in re appointment of Ancillary Receivers -	\$ 15.00
July 25	- Telegram to J. J. Hamilton, Jamestown, Rhode Island - - - - -	.72
Sept. 13	- Certified copy of Court order ratifying sale and order authorizing Receivers to serve notice to quit on tenants - - - - -	1.40
Sept. 16	- Certified copy of Court order - - - -	.95
Sept. 16	- Notary Fee - - - - -	.25
Sept. 21	- Taxi fare - - - - -	.60
Sept. 22	- Taxi fare - - - - -	.60
Sept. 23	- Taxi fare - - - - -	1.20
Sept. 23	- Certified copies of two Court orders -	1.30
Sept. 23	- Notary fee - Affidavits of J. J. Hamilton and Mr. Hartz - - - - -	.50
Sept. 26	- Recording Release - E. W. Young et al, Receivers, D. C. Paper Mills, Inc. - -	4.40
Sept. 28	- Recording deed from C. & O. Canal Co. Receivers to U. S. - - - - -	3.00

1938			
Sept. 28	- Taxi fare and telephone calls - - - - -	\$	1.85
Sept. 28	- Recording deeds to Nicolson and McGuire - - - - -		7.40
Sept. 28	- Notary fee - - - - -		.50
			<u>\$ 39.67</u>

Amount to be furnished to Hamilton and Hamilton
to cover costs to be incurred in filing and
prosecuting the ejectment suit to be brought in
the name of George L. Nicolson, Trustee, against
the present occupants of a small tract of land in
the District of Columbia immediately west of
Georgetown, D. C., for the purpose of clearing
said title and thereafter to be conveyed to the
United States Government - - - - - \$100.00

\$139.67

GEORGE S. BROWN et al : IN THE CIRCUIT COURT FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198, EQUITY,
COMPANY, et al : CONSOLIDATED CASES.

ORDER OF COURT

The foregoing petition having been read and considered, it is, thereupon, this 17th day of November, 1938, by the Circuit Court for Washington County, sitting as a Court of Equity, ORDERED, ADJUDGED AND DECREED:

That George E. Hamilton, John J. Hamilton, George E. Hamilton, Jr., and Henry R. Gower, members of the law firm of Hamilton and Hamilton, be paid the sum of Twenty-Five Hundred Dollars (\$2500.00) for their services as counsel and solicitors rendered for and on behalf of the Receivers in this cause, in the District of Columbia, to September 15, 1938.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the said George E. Hamilton, John J. Hamilton, George E. Hamilton, Jr., and Henry R. Gower, members of the law firm of Hamilton and Hamilton, be paid the sum of Thirty-Nine Dollars and Sixty-Seven Cents (\$39.67) for their expenses incurred in connection therewith.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Receivers herein be and they are hereby authorized and directed to advance to the said George E. Hamilton, John J. Hamilton, George E. Hamilton, Jr., and Henry R. Gower, members of the law firm of Hamilton and Hamilton, the sum of One Hundred Dollars (\$100.00) to cover costs to be incurred in filing and prosecuting the ejectment suit to be brought in the name of George L. Nicolson, Trustee, against the present occupants of a

small tract of land in the District of Columbia immediately west
of Georgetown, for the purpose of clearing the title thereto
and thereafter to be conveyed to the United States of America.

Frank G. Bagshaw

BALTIMORE

OFFICE SUPPLY CO.

NOS. 4191 and 4198 EQUITY

Petition for Counsel Fee
and Order of Court thereon.

Filed Nov. 17, 1938
LAW OFFICES

LANE AND MISH

HAGERSTOWN TRUST BUILDING

HAGERSTOWN, MD.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
 vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al. : CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of William P. Lane, Jr., respectfully represents:

That he is an attorney at law practicing before this Court, as well as the other Courts in this State.

That as such attorney he has been employed as counsel for the surviving Trustees in this cause from the year 1925 until the death of Mr. Herbert R. Preston, the surviving Trustee, in October 1937.

That during said period of time he acted as counsel to said Trustees and attended to all matters that arose that required his attention in that capacity, among which were included the sale by said surviving Trustee of seven parcels of land and rights therein, the sales price for which aggregated an amount in excess of \$24,000.00. That in addition to other matters during said period, he handled the questions of the litigation with respect to a number of the labor claims filed under the provisions of Chapter 270 of the Acts of Maryland of 1900.

That after the death of the said Herbert R. Preston, surviving Trustee in said cause, in October 1937, he consulted with the B. & O. Railroad Company, as the principal claimant in these proceedings, with reference to the selection and appointment of Receivers in this cause and that as a result

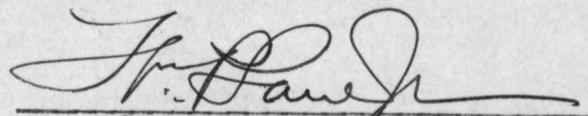
thereof Edgar W. Young, R. S. B. Hartz and G. L. Nicolson were, upon petition, appointed Receivers in this cause on April 29, 1938.

That since the appointment of said Receivers he has acted as their counsel in these proceedings in connection with the negotiation of the sales of the entire property of the Chesapeake and Ohio Canal Company to the United States of America and to the Baltimore and Ohio Railroad Company for the aggregate purchase price of \$2,100,000.00.

That it is impossible to detail or even estimate the enormous amount of time that your petitioner has been called upon to devote to the matters arising in these proceedings as counsel, and that therefore he has consulted said Receivers with reference to the propriety of such charges as should be made for said services and that said Receivers have agreed that a fair and reasonable compensation for his services as counsel for the period up to and including September 1, 1938, would be the sum of \$10,000.00.

TO THE END THEREFORE, your petitioner prays your Honorable Court to pass an order authorizing and directing said Receivers to pay to your petitioner such sum for his services as counsel as may be fair and reasonable under the circumstances.

And as in duty bound, etc.,


Counsel to the Receivers.

STATE OF MARYLAND, WASHINGTON COUNTY, to-wit:

I HEREBY CERTIFY, that on this 17th day of November, A. D., 1938, before me, the subscriber, a Notary Public of the State of Maryland, in and for Washington County, personally appeared William P. Lane, Jr., and he made oath in due form of law that the matters and facts set forth in the foregoing petition are true, to the best of his knowledge, information and belief.

WITNESS my hand and Official Notarial Seal.

Alice S. Hemelright
Notary Public.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al : CONSOLIDATED CASES

ORDER OF COURT

The foregoing petition having been read and considered, it is, thereupon, this 17th day of November, A. D., 1938, by the Circuit Court for Washington County, sitting as a Court of Equity, ORDERED, ADJUDGED AND DECREED, that William P. Lane, Jr., be paid the sum of *ten thousand* Dollars for his services as counsel and solicitor for the surviving Trustees and the Receivers in this cause, said services covering a period from the year 1925 to September 1, 1938, subject to all legal exceptions.

Frank E. Vaughan

NOS. 4191 and 4198 EQUITY

Petition of Receivers and
Exhibits with reference to
deposit in the Union Trust
Company of Maryland, and
Order of Court thereon.

Filed Nov. 21, 1938

LAW OFFICES
LANE AND MISH
HAGERSTOWN TRUST BUILDING
HAGERSTOWN, MD.

GEORGE S. BROWN et al : NOS. 4191 and 4198 EQUITY
vs. : CONSOLIDATED CASES
CHESAPEAKE AND OHIO CANAL : IN THE CIRCUIT COURT FOR
COMPANY et al : WASHINGTON COUNTY, MARYLAND

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, heretofore appointed Receivers in this cause, respectfully shows:

1- That one of the conditions, with which the Trustees for the Bonds of 1844 had to comply under the provisions of the Decree entered by the Circuit Court for Washington County in this cause, on October 2, 1890, before the said Trustees were empowered to enter into possession of the Canal Company, was that said Trustees should by December 1, 1890, take up and bring into this Court, all of the bonds issued, and then outstanding, under the Act of 1878, Chapter 58, or such portion of them as may be taken up, and the amount due upon the residue thereof, in legal tender currency, principal, with all interest thereon up to and inclusive of the day of bringing the money therefor into Court, to be paid over to said bondholders under that Decree.

2- That the said Trustees for the Bonds of 1844, for said purpose, borrowed certain monies from Mary E. Garrett under an Agreement dated November 25, 1890, for the purpose in part of bringing said Canal Bonds of 1878 into Court, pursuant to said Decree.

3- That said Trustees for the Bonds of 1844, in compliance with said Decree of this Court, brought into Court all of the Bonds of 1878, together with all of the matured interest coupons on said Bonds, except interest coupons Nos. 18 to 22,

inclusive, which were not presented with Bonds Nos. 32, 37, 187, 188 and 189, making a total of 25 coupons, each for the sum of \$30.00, or an aggregate amount of \$750.00. Under the terms of said Decree the amount of interest that would have accrued from the respective maturity dates of said coupons to December 1, 1890, amounted to \$108.78 in the aggregate, so that the total amount of possible claim by reason of said coupons was \$858.78.

4- That to provide for the payment of the aforesaid 25 coupons with interest to December 1, 1890, the said Trustees for the Bonds of 1844, deposited with the Court the sum of \$858.78, which was the exact amount required to pay said coupons with interest; and the then Clerk of Court deposited said sum in the Farmers and Merchants Bank of Baltimore, Maryland, to the credit of the "Circuit Court of Washington County." Subsequently the Farmers and Merchants Bank of Baltimore was acquired by the Union Trust Company of Maryland, which latter company today holds the said funds on deposit to the credit of the "Circuit Court of Washington County."

5- That between the date of deposit, i.e., on or about 1890, and March 5, 1933, when the so-called "bank holiday" was declared, there had accrued interest to the credit of said deposit amounting to \$848.96, so that at the time of the beginning of the so-called "bank holiday" there stood to the credit of the Circuit Court of Washington County, in this account, the total sum of \$1,707.74.

6- That during the year 1933, the said Union Trust Company of Maryland was reorganized under a Plan of Reorganization, dated May 29, 1933, which subsequently became legally operative in respect to all funds deposited therein, a copy of said Plan of Reorganization being filed herewith as a part here-

of, marked "Exhibit 1." Under the terms of this Plan, the cash balance in the account was reduced from the sum of \$1,707.74 to \$1,058.80, representing a reduction of \$648.94, and to compensate the depositor for this reduction a Certificate of Beneficial Interest in the amount of \$648.94 was issued in favor of the Circuit Court of Washington County by City Certificates Corporation, an affiliate of said Union Trust Company.

7- That subsequently, on the 3rd day of August, 1937, an Amended Agreement was entered into by the Union Trust Company of Maryland, City Certificates Corporation, and Maryland Trust Company, all of Baltimore, Maryland, providing for the exchange of Certificates of Beneficial Interest by the holders thereof for shares of the capital stock of Union Trust Company of Maryland and cash, the said exchange to be made at the rate of 1 share of stock for each \$32.75 face amount of Certificates held, with the stipulation that the fractional amount remaining after the Certificates had been exchanged for the maximum possible number of full shares of stock, should thereafter be paid in cash. A copy of said Amended Agreement is filed herewith as a part hereof, marked "Exhibit 2." Under this Amended Agreement the Certificate of Beneficial Interest of the face amount of \$648.94, registered in the name of the Circuit Court for Washington County, can be exchanged for 19 full shares of the capital stock of the Union Trust Company of Maryland and \$26.69 in cash. The said Amended Agreement, above referred to, having been accepted by the required number in interest of the holders of the outstanding Certificates became by the terms thereof binding upon all of said certificate holders, including the Circuit Court for Washington County.

8- That as no adequate market exists for the sale of the Certificates of Beneficial Interest of City Certificates Corporation, it is recommended that the Certificate of Beneficial Interest for the amount of \$648.94, registered in the name of the Circuit Court for Washington County, should now be exchanged as provided by the said Amended Agreement for 19 shares of capital stock of Union Trust Company of Maryland and \$26.69 in cash.

9- That these monies have remained on deposit in the Farmers and Merchants National Bank and the Union Trust Company of Maryland, and have been available for the payment of the aforesaid coupons for a period of over 47 years. That said coupons matured for payment in the years 1887, 1888, and 1889, and that upon investigation it has been determined that the Chesapeake and Ohio Canal Company held in its treasury unissued at least an equal amount of said Bonds during said years. That in further compliance with the order of this Court passed on October 2, 1890, the said Trustees of the Bonds of 1844 gave notice by publication in one or more daily newspaper published in the City of Baltimore, of the fact that money was on deposit in Court to be paid over to the parties entitled thereto upon presentation and surrender of the Bonds outstanding. That said Bonds Nos. 32, 37, 187, 188 and 189, together with other unmatured coupons attached, were presented to the Trustees herein for payment by the then respective holders thereof and were paid and satisfied. That your Receivers are confident that none of said 25 coupons are now outstanding in the hands of any persons who are or will make claim for the payment thereof.

10- That the said Mary E. Garrett having advanced said funds as herein set forth, did by deed dated October 28, 1895, transfer and assign all interest therein to the Baltimore and Ohio Railroad Company.

Your Receivers therefore feel that your Honorable Court should direct the payment of the said funds deposited to the credit of the "Circuit Court of Washington County" including the avails of the aforesaid Certificate of Beneficial Interest to your Receivers for payment, delivery and transfer to the Baltimore and Ohio Railroad Company as the party entitled thereto.

TO THE END THEREFORE, your Receivers pray your Honorable Court to pass an order directing:

1- That the Union Trust Company of Maryland pay the sum of \$1,058.80, now on deposit to the credit of the "Circuit Court of Washington County," to Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in this cause; and

2- That the Union Trust Company of Maryland, City Certificates Corporation, and Maryland Trust Company, all of Baltimore, Maryland, be directed to deliver to the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in this cause, the avails of the Certificate of Beneficial Interest of City Certificates Corporation, No. FM981, in the amount of \$648.94, registered in the name of the "Circuit Court of Washington County," the avails of said Certificate consisting of 19 shares of the capital stock of the Union Trust Company of Maryland and \$26.69 in cash, resulting from the conversion of the said Certificate in accordance with the terms of the Amended Agreement dated August 3, 1937, between the Union Trust Company of Maryland and the City Certificates Corporation; and

3- That your Receivers be authorized and directed to pay said monies so received and to transfer the shares of stock so received, to the Baltimore and Ohio Railroad Company, as the party properly entitled thereto.

And as in duty bound, etc.,

Edgar W. Young
R. S. B. Hartz
G. L. Nicolson
Receivers.

STATE OF MARYLAND, BALTIMORE CITY, to-wit:

I HEREBY CERTIFY, that on this 18th day of November, 1938, before me, the subscriber, a Notary Public, of the State of Maryland, in and for Baltimore City, personally appeared Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers as aforesaid, and they made oath in due form of law that the matters and facts set forth in the foregoing petition are true, to the best of their knowledge, information and belief.

WITNESS my hand and Official Notarial Seal.

Fearless M. Williams
Notary Public.

GEORGE S. BROWN et al : NOS. 4191 and 4198 EQUITY
vs. : CONSOLIDATED CASES
CHESAPEAKE AND OHIO CANAL : IN THE CIRCUIT COURT FOR
COMPANY, et al : WASHINGTON COUNTY, MARYLAND

ORDER OF COURT

Upon the reading of the foregoing petition, it is, thereupon, this 21st day of November, 1938, by the Circuit Court for Washington County, sitting as a Court of Equity, ORDERED, ADJUDGED AND DECREED, that the Union Trust Company of Maryland be and it is hereby authorized and directed to pay to Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in this cause, the sum of \$1,058.80 now on deposit to the credit of the "Circuit Court of Washington County" upon a voucher therefor executed by Edward Oswald, the Clerk of this Court.

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Union Trust Company of Maryland, City Certificates Corporation and Maryland Trust Company, all of Baltimore, Maryland, be and they are hereby authorized and directed to deliver to the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in this cause, the avails of the Certificate of Beneficial Interest of City Certificates Corporation, No. FM981, in the amount of \$648.94, registered in the name of the "Circuit Court of Washington County," the avails of said Certificate consisting of 19 shares of the capital stock of the Union Trust Company of Maryland and \$26.69 in cash, resulting from the conversion of the said Certificate in accordance with the terms of the Amended Agreement dated August 3, 1937, between the Union Trust Company of Maryland and the City Certificates Corporation.

AND BE IT FURTHER ORDERED, ADJUDGED AND DECREED,
that the said Edgar W. Young, R. S. B. Hartz and G. L. Nicolson,
Receivers as aforesaid, upon the receipt of the funds hereinabove
set forth and upon the receipt of the aforesaid 19 shares of the
capital stock of the Union Trust Company of Maryland, be, and they
are hereby authorized and directed to pay said funds to the
Baltimore and Ohio Railroad Company and to transfer and assign
said shares of said stock to the Baltimore and Ohio Railroad Com-
pany as the party entitled thereto, it being understood, and it
is hereby so ordered and directed, that upon the acceptance of
the payment of said funds and upon the acceptance of the transfer
of said shares of said stock, the Baltimore and Ohio Railroad
Company shall be and become liable for the payment of interest
coupons Nos. 18 to 22, inclusive, of Bonds Nos. 32, 37, 187, 188
and 189 issued under the Act of 1878, Chapter 58, each of said
coupons being for the face amount of \$30.00, with interest there-
on from the due date to December 1, 1890, and all of said coupons
amounting in principal and interest thereon to December 1, 1890
to the aggregate sum of \$858.78, in the event that all or any of
said coupons should hereafter be presented for payment.

Frank G. Wagoner

EXHIBIT NO. 1 is filed in Chancery Record No. 59, folio 429.
EXHIBIT NO. 2 is filed in Chancery Record No. 59, folio 430.

NOS. 4191 and 4198 EQUITY

Report of Receivers with
reference to receipts by
predecessor Trustees of
income by way of tolls and
revenue, and the disburse-
ments thereof for the period
from December 1, 1890, to
May 3, 1938.

LAW OFFICES
LANE AND MISH
HAGERSTOWN TRUST BUILDING
HAGERSTOWN, MD.

Filed Nov. 23, 1938.

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT
VS. : FOR
CHESAPEAKE AND OHIO : WASHINGTON COUNTY, MARYLAND
CANAL COMPANY, et al : NOS. 4191 and 4198 EQUITY
CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The further report of Edgar W. Young, R. S. B. Hartz and George L. Nicolson, Receivers in this cause, respectfully shows:

1. That since their appointment and qualification as Receivers in this cause on May 3rd 1938 they have undertaken to completely investigate and audit the accounts of the predecessor trustees and receivers in this cause prior to the date of their own appointment and qualification on May 3rd 1938 for the purpose of determining whether since the inception of this litigation there had been received by said predecessor trustees any income by way of tolls and revenues in which the holders of the bonds of 1844 could have a right to distribution.

2. That as a result of said investigation and audit your Receivers have found that the predecessor trustees herein received from the operations of the canal properties during the period from December 1, 1890 to May 3rd 1938 the aggregate sum of \$3,071,187.50; that in addition thereto under the provisions of the agreement made on January 12th 1894 between the surviving trustees and the Chesapeake and Ohio Transportation Company of Washington County, said Trustees received in the aggregate under the terms of said agreement the sum of \$995,685.86, which might possibly be considered as income in which the holders of the

bonds of 1844 might have an interest; that the aggregate of said sums so received by said predecessor trustees herein that might be considered income by way of tolls and revenue is \$4,066,873.36.

3. That your Receivers as a result of said investigation and audit have been unable to find any other funds received by said predecessor trustees that could be considered income by way of tolls and revenue than as above set forth.

4. That as a further result of said investigation and audit your Receivers have found that the said predecessor trustees paid out the following sums in accordance with the order of this Court, filed on October 2nd 1890:

1. To the payment of current and ordinary expenses incurred in operating said canal and for keeping the same in good working repair.....	\$ 4,510,962.54
2. To the payment and reimbursement of said Trustees for the amount of money put into these proceedings by them with which to pay the expenses incurred by the former receivers and their compensation.....	15,210.45
3. The amount to pay and reimburse to said Trustees the amount expended by them in originally restoring the said canal to good working order from its then waste and broken condition, with interest thereon.....	<u>683,922.64</u>
That the aggregate amount of the funds paid out by said predecessor trustees for said respective purposes amounted to.....	\$ 5,210,095.63

That under the provisions of the Order passed by this Court on October 2nd 1890, the predecessor trustees herein were directed to make said payments for said purposes before making any payment to the holders of the bonds of 1844 by reason of their ownership thereof and that the total sums received by said predecessor trustees as income by way of tolls and revenues was insufficient to meet the said respective disbursements and payments as heretofore directed by this Court in said order by a deficit amount of..... \$ 1,143,222.27

5. That your Receivers have continued the said investigation and audit for the purpose of determining whether or not there had ever been received by said predecessor trustees any income by way of tolls and revenues that might have been distributed to the holders of the bonds of 1844 and that as the result of said investigation and audit they have determined that said predecessor trustees did not receive or have in their possession between the period from December 1st 1890 to May 3rd 1938, any funds that would have been distributable to the holders of the bonds of 1844 under the terms of the Order of this Court passed on October 2nd 1890.

TO THE END THEREFORE,

Your Receivers pray that this report made in behalf of said predecessor trustees may be received by this Honorable Court and be directed to be filed as a record in these proceedings.

And as in duty bound, etc.

Edgar W. Gray

R. B. Hart

E. J. Lincoln

Receivers.

STATE OF MARYLAND, BALTIMORE CITY, to-wit:

I HEREBY CERTIFY, that on this 21st day of November, A. D. 1938, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, personally appeared Edgar W. Young, R. S. B. Hartz and George L. Nicolson, Receivers in the above entitled cause, and they made oath in due form of law that the matters and facts set forth in the foregoing report are true, as therein stated, to the best of their knowledge, information and belief.

WITNESS my hand and Official Notarial Seal.

Charles M. Williams
Notary Public.

Consolidated Report
of
Investigation and Audit
of
Receipts of Income by way of Tolls and Revenues
and Disbursements by Predecessor Trustees for
period from December 1st, 1890, to May 3rd, 1938

Amount Received from operations, gross earnings,	\$3,071,187.50
Amount Received from Chesapeake and Ohio Transportation Company by way of guaranteed income under terms of agreement dated January 12, 1894,	995,685.86
	<hr style="width: 100%;"/>
Total income for period by way of tolls and revenue,	\$4,066,873.36

Disbursements of said receipts in accordance with the order of precedence and priority directed by the Circuit Court for Washington County in its order dated October 2nd, 1890, as follows:

(1) To amount expended in the payment of current and ordinary expenses incurred in operating said canal and for keeping the same in good working repair,	\$4,510,962.54
(2) To amount expended in the payment and reimbursement of the Trustees for the amount of money brought into these proceedings by them with which to pay the expenses incurred by the former receivers, and their compensation,	15,210.45
(3) To amount to pay and reimburse to said Trustees the amount expended by them in originally restoring the said canal to good working order from its then waste and broken condition, with interest thereon,	683,922.64
	<hr style="width: 100%;"/>
Total	\$5,210,095.63

Leaving a deficit of income by way of tolls and revenue to meet said disbursements of	\$1,143,222.27
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Conclusion: There never has been in these proceedings funds in the hands of the predecessor Trustees in this cause derived from tolls and revenues in such an amount that they would have been distributable to the holders of the Bonds of 1844, under the terms of the order of the Circuit Court for Washington County, dated October 2nd, 1890.

NOS. 4191 and 4198 EQUITY

Report of Receivers of the
disposition of funds re-
ceived by the predecessor
Trustees from the sales of
property, e tc.

LAW OFFICES
LANE AND MISH
HAGERSTOWN TRUST BUILDING
HAGERSTOWN, MD.

Filed November 23, 1938

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT
VS. : FOR
CHESAPEAKE AND OHIO : WASHINGTON COUNTY, MARYLAND
CANAL COMPANY, et al : NOS. 4191 and 4198 EQUITY
: CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

This, the further report of Edgar W. Young, R. S. B. Hartz and George L. Nicolson, Receivers in the above entitled cause, respectfully shows:

1. That on October 15th 1937, Herbert R. Preston, the last surviving trustee in this cause, died without having made any appointment of any Trustee or Trustees to succeed him and to manage and operate the property of the Chesapeake and Ohio Canal Company and that thereafter the said Edgar W. Young, R. S. B. Hartz and George L. Nicolson were by this Court on April 29th 1938, appointed Receivers in this cause and as such qualified by the filing of their required bond on May 3rd 1938.

2. That since their appointment and qualification as Receivers herein they have undertaken to investigate and audit the accounts of their predecessor trustees so that they might report to this Court with respect thereto.

3. That as a result of said investigation and report your Receivers have found certain sums of money coming into the hands of said predecessor trustees as cash balances undistributed to those entitled thereto and as the result of sales of part of the property of the said Chesapeake and Ohio Canal Company heretofore reported to this Court.

4. That a particular itemization of said amounts of money so received by said predecessor trustees is as follows:

(1)	To balance remaining undistributed in the hands of said Trustees from the sale of certain lands to the United States of America in 1909....	\$	45.30
(2)	Balance from proceeds of sale of certain lands to the Baltimore and Ohio Railroad Company remaining undistributed in the hands of said Trustees in October, 1910, as per Auditor's Account No. 3 filed herein.....		22.53
(3)	XXXX from proceeds of sale of certain lands to the Western Maryland Railway Company remaining undistributed in the hands of said Trustees in July, 1912, as per Auditor's Account No. 4, filed herein.....		302.00
(4)	To amounts received by said Trustees from sales of lands and privileges from the date of the Auditor's last report to May 3rd, 1938:		
	(a) From Western Maryland Railway Company, 1912.....		2,000.00
	(b) From United States of America, 1923.....		224.53
	(c) From Williamsport Power Company, 1923.....		1,000.00
	(d) From Michael Rinaldi, 1927.....		6,000.00
	(e) From Wilkins-Rogers Milling Company, 1927.....		279.91
	(f) From District of Columbia Paper Manufacturing Company, 1927.....		457.00
	(g) From Columbia Paper Mills Company, 1931.....		500.00
	(h) From United States of America, 1932.....		1,438.45
	(i) From United States of America, 1933.....		3,570.50
	(j) From United States of America, 1935.....		11,408.44
(5)	Interest collected by Trustees on \$60,000.00, 3% First Mortgage Bonds of District of Columbia Paper Mills, Inc: semi-annual coupons due July 1/36, Jan. 1/37, July 1/37 and Jan. 1/38.....		<u>3,600.00</u>
	Making a total of.....		\$30,848.66

5. That prior to the appointment of your Receivers the last distribution to the holders of the bonds of 1878 herein was made by the predecessor trustees in the year 1912 as will be shown by reference to Auditor's Account No. 4, filed during said year in this cause and in which it is shown that all of said bonds and the interest thereon were redeemed and paid except a balance in the face amount of \$132,500.00 with interest thereon from the 15th day of August 1912.

6. That your Receivers in making distribution to the holders of the said bonds of 1878 in their report and account filed in this cause on September 30th 1938, distributed to the holders of the said bonds of 1878 the aggregate amount of \$308,726.75 representing a principal amount of \$132,500.00 and interest thereon to September 1, 1938 in the amount of \$176,226.75, due thereon and unpaid; that the total calculations of interest on said outstanding bonds in the amount of \$132,500.00 from August 15th 1912 to September 1st 1938 would amount to the sum of \$207,075.41 and that with respect to said interest item on said bonds your Receivers distributed to the holders thereof only the amount of \$176,226.75 because of the fact that their predecessor trustees had distributed the above total sum of \$30,848.66 coming into their hands as above set forth to the holders of the bonds of 1878 outstanding in reduction of the interest that had accrued thereon from and after August 15th 1912 so that the aggregate of interest accrued on said outstanding bonds was reduced from the sum of \$207,075.41 to the amount distributed by these Receivers, namely \$176,226.75, by reason of the application of the above mentioned funds by the predecessor trustees herein.

7. That your Receivers are of the opinion that the application of the said sum of \$30,848.66 by the predecessor trustees herein to the payment in part of the interest accrued on the outstanding bonds of 1878 from the date of August 15th 1912 was a proper disposition of said funds so received by said predecessor trustees for the reasons that said funds represented the proceeds realized from the disposal of capital assets in these proceedings and should therefore have been properly applied to the liquidation of the claims having first priority upon the physical assets of the Chesapeake and Ohio Canal Company as has been so determined by this Court.

TO THE END THEREFORE,

Your Receivers pray that this report presented in behalf of the predecessor trustees may be received and recorded in this cause as a means of showing the receipt and proper distribution of funds coming into the hands of the predecessor trustees in this cause.

And as in due bound, etc.

Edgar W. Gandy

R. B. Hart

E. H. Nielson

RECEIVERS.

STATE OF MARYLAND, BALTIMORE CITY, to-wit:

I HEREBY CERTIFY, that on this 21st day of November, A. D. 1938, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, personally appeared Edgar W. Young, R. S. B. Hartz and George L. Nicolson, Receivers in the above entitled cause, and they made oath in due form of law that the matters and facts set forth in the foregoing report are true, as therein stated, to the best of their knowledge, information and belief.

WITNESS my hand and Official Notarial Seal.

Fearless M. Williams
Notary Public.

NOS. 4191 and 4198 EQUITY

Supplemental Report of
Receivers.

LAW OFFICES
LANE AND MISH
HAGERSTOWN TRUST BUILDING
HAGERSTOWN, MD.

Filed November 23, 1938

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
 vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO : NOS. 4191 and 4198 EQUITY
CANAL COMPANY, et al : CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

This, the Supplemental Report of Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in the above entitled cause, respectfully represents:

That they were heretofore appointed Receivers in this cause and qualified as such by filing their required bond on May 3, 1938. That upon assuming their duties as Receivers in this cause they received the sum of \$1719.81 representing a cash balance in the hands of their predecessor Trustees.

That in order to determine the source of said cash balance they conducted an investigation and audit of the affairs and accounts of their predecessor Trustees, and that as a result of said investigation and audit they have prepared a statement of the aggregate amount of receipts and disbursements of the predecessor Trustees in these proceedings for the period from December 1, 1890, to May 3, 1938, the date of the qualification of your Receivers as such herein. Your Receivers attach hereto a statement of cash receipts and disbursements for said period marked "Exhibit No. 1," which shows a balance of cash on hand on May 3, 1938 of the said sum of \$1719.81, and which statement also shows the total receipts of said predecessor Trustees whether by way of tolls and revenues, borrowed money, or the proceeds of sale of property during said period, and further shows the disbursements of said money for all purposes during said period.

That by the order of this Court appointing your Receivers they were directed to take in charge the property and assets of the Chesapeake and Ohio Canal Company and to manage the same until they could be disposed of by sale, and that during the period since their appointment as Receivers on May 3, 1938, in addition to the receipt of the cash balance of \$1719.81, they have received other income in the aggregate of \$14,299.57, making a total of receipts in cash of \$16,019.38, the particular source of said income being set forth in a statement of receipts and disbursements attached hereto as a part hereof, marked "Exhibit No. 2".

That since their appointment as Receivers on May 3, 1938, they have been required to make necessary expenditures in the care and management of said property, the aggregate of which amounted to \$16,019.38 and the detail of which disbursements and expenditures are set forth in a statement attached hereto as a part hereof.

That other necessary expenditures have been made by your Receivers that are not herewith included but which have been reported in detail and are included as a charge against capital funds as will be shown upon the Auditor's Reports and Accounts in this cause.

That this separate report of income is made by your Receivers for the purpose of showing that they have received no such amount of income by way of tolls and revenues in excess of their necessary disbursements in connection with the management and care of the properties of said Canal Company, as would give the holders of the Bonds of 1844 any interest therein by way of distribution.

That they desire that this Report be referred to the Auditor of this Court in order that an account may be stated charging them with the aforesaid sums shown as receipts and

allowing them proper credit for their expenses as set forth,
for which they shall produce their vouchers.

Respectfully submitted,

Edgar W. Young
R. S. B. Hartz
G. L. Nicolson
Receivers.

STATE OF MARYLAND, BALTIMORE CITY, to-wit:

I HEREBY CERTIFY, that on this 21st day of November, 1938, before me, the subscriber, a Notary Public of the State of Maryland, in and for Washington County, personally appeared Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in the above entitled cause, and they made oath in due form of law that the matters and facts set forth in the foregoing Supplemental Report are true, as therein stated, to the best of their knowledge, information and belief.

WITNESS my hand and Official Notarial Seal.

Fearless M. Williams
Notary Public.

TRUSTEES - THE CHESAPEAKE AND OHIO CANAL COMPANY

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
FROM DECEMBER 1, 1890 TO CLOSE OF MAY 3, 1938

RECEIPTS:

(1) From loan made by Mary E. Garrett to the Trustees under a certain Agreement dated November 25, 1890 (which loan was later assigned by Mary E. Garrett to The Baltimore and Ohio Railroad Company by deed of assignment dated October 28, 1895), net amount of loan	\$ 1,079,575.00
(2) From operations, December 1, 1890 to close of May 3, 1938, gross earnings	3,071,187.50
(3) From The Chesapeake and Ohio Transportation Company under Agreement dated January 12, 1894, and subsequent Agreement dated January 1, 1906, guaranteeing operation of the property by the Trustees against loss	2,427,381.82
(4) From The United States Government for account of damages caused by raising Aqueduct Dam at Great Falls, Maryland	15,000.00
(5) From sales of lands and privileges granted	<u>920,457.88</u>
TOTAL	\$ 7,513,602.20

DISBURSEMENTS:

(1) For purchase by Trustees of entire issue of Bonds of 1878, including payment of interest on said Bonds to December 1, 1890	\$ 629,575.00
(2) For repair and rehabilitation of the Canal in 1890 upon assuming control of operations	444,947.41
(3) For expenses of operation of the Canal	4,465,537.69
(4) For payment of principal and interest on certificates of indebtedness issued by the Trustees to Mary E. Garrett in part satisfaction of loan	683,922.64
(5) For payment of principal and interest on monies borrowed from Mary E. Garrett for purchase of the Bonds of 1878	1,147,124.37
(6) For payment of receivers' fees and court costs, 1890 proceeding	15,210.45
(7) For payment of fees of the Trustees, and court costs, 1890 to 1938	45,424.85
(8) For payment of mortgage on wharf property at Cumberland, Maryland	44,288.47
(9) For payment of commissions, court costs, etc., on sales of property	<u>35,851.51</u>
TOTAL	<u>7,511,882.39</u>
Balance of cash on hand at close of May 3, 1938	\$ 1,719.81
which was transferred to the Receivers.	

Receivers - The Chesapeake and Ohio Canal Company

Statement of Cash Receipts and Disbursements

May 4, 1938 to November 15, 1938

Receipts:

From Trustees - The Chesapeake and Ohio Canal Company	\$ 1,719.81	
From rents	14,013.97	
From refund of premium on Trustees' Bond	212.32	
From refunds of insurance premiums	61.58	
From miscellaneous sources	11.70	
Total Receipts		\$16,019.38

Disbursements:

For repairs waterways and towpaths	\$ 6,142.91	
For repairs to buildings	158.64	
For repairs to bridges and dams	360.73	
For pay of locktenders	1,675.00	
For pay of officers and clerks	5,625.00	
For stationery and printing	50.07	
For rent of office, Washington, D. C.	412.50	
For rent of office, Hagerstown, Md.	75.00	
For rent storage space for Trustees' records	144.00	
For janitor's services	105.00	
For telephone service	199.60	
For traveling, etc.	325.46	
For insurance, etc.	247.82	
For taxes payable under Social Security Act	497.65	
Total Disbursements		\$16,019.38

*Cash Balance November 15, 1938

*NOTE: The Receivers discontinued the main office of the Company at 1339 Wisconsin Avenue, N. W., Washington, D. C., effective November 11, 1938, and discharged all active employees. Funds on hand were sufficient to pay all operating bills, and all office salaries for the month of November, 1938, except the salary of the General Manager, who waived the unpaid balance of his salary for month.

"Exhibit No. 2"

NOS. 4,191 and 4,198 EQUITY

AUDITOR'S
REPORT AND ACCOUNT NO. 3.

Filed Nov. 29 1938.

GEORGE S. BROWN et al : IN THE CIRCUIT COURT FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY et al : CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

This, the Auditor's Third Report in the above entitled cause, respectfully shows:

That he has examined the proceedings in said cause and has specifically examined the Supplemental Report of Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers, that was filed on November 23, 1938, which shows the receipts of said Receivers for the period from May 3, 1938, the date of their appointment and qualification, by way of income and revenues and their disbursements in the operation and management of the Canal properties.

That your Auditor is making a separate report and audit of these funds as requested by the Receivers because of the fact that the funds listed as receipts represent income by way of tolls and revenues, and to further show that said Receivers have received no such amount of income by way of tolls and revenues in excess of their necessary disbursements in connection with the management and care of the properties of said Canal Company, as would give the holders of the Bonds of 1844 any interest therein by way of distribution.

That your Auditor has charged said Receivers with the amount of \$1719.81, being the amount of cash balance received by them from the predecessor Trustees and as shown in Exhibit No. 1 filed with their said Report.

That your Auditor has further charged said Receivers with the aggregate amount of \$14,299.57 representing various

receipts of income as shown by their Report, making a total charge of income to said Receivers of \$16,019.38.

That in accordance with the request of said Receivers he has distributed the sum of \$16,019.38 to the various expenses incurred by said Receivers in their management and operation of the Canal properties during the period of their receivership, leaving no balance on hand for further distribution or disbursement.

All of which will more fully appear from the within annexed account which is herewith respectfully submitted,



Auditor.

THE TRUST ESTATE OF THE CHESAPEAKE AND OHIO CANAL COMPANY, ET AL.,
 IN ACCOUNT WITH EDGAR W. YOUNG, R. S. B. HARTZ AND G. L. NICOLSON,
 RECEIVERS, IN EQUITY CAUSE NOS: 4,191 and 4,198.

November 23rd, 1938.

DR.

CR.

By	This sum being the total amount of funds representing Income in hands of Receivers, as shown by their Supplemental Report filed November 23rd, 1938,	\$ 16,019.38
----	--	--------------

AS FOLLOWS:

Balance received by Receivers from Trustees, as shown in Exhibit No. 1, filed in their said Report,	\$ 1,719.81
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Cash collected by said Receivers as per their said Report,	14,299.57
--	-----------

<u>\$ 16,019.38</u>	<u>\$ 16,019.38</u>
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By	This sum being the total amount of funds in hands of Receivers, as per their said Report,	\$ 16,019.38
----	---	--------------

To	Expenses of Receivers, as per their said Report,	\$ 16,019.38
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<u>\$ 16,019.38</u>	<u>\$ 16,019.38</u>
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NOS. 4191 and 4198 EQUITY

Auditor's Report and Account
No. 2.

Filed Nov. 29, 1938.

GEORGE S. BROWN et al : IN THE CIRCUIT COURT FOR
 : WASHINGTON COUNTY, MARYLAND
vs. : NOS. 4191 and 4198 EQUITY
CHESAPEAKE AND OHIO CANAL : COMPANY et al
 : CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

This, the Auditor's Second Report in the above entitled cause, respectfully shows:

That he has examined the proceedings in said cause and has had presented to him various claims in these proceedings and from them he has stated the within Account.

Among the claims presented to your Auditor was the claim of the heirs of one John Moore in the amount of \$11,852.89, which said claim is based upon two certificates of debt issued by the Clerk of the Chesapeake and Ohio Canal Company, dated December 31, 1855, and numbered respectively Nos. 242 and 243. Upon examination it was determined that said debt did not take priority over the claims filed under the Act of 1896, Chapter 136½ and under the Act of 1900, Chapter 270, nor the claim of the Baltimore and Ohio Railroad Company, Assignee of the State of Maryland for the mortgage indebtedness secured by mortgage dated April 23, 1835, issued by virtue of Chapter 241 of the Acts of 1834, and which is recorded among the Land Records of Washington County, Maryland, in Liber PP, folio 738, and for that reason the claim was disallowed in this Report.

Among the claims presented to your Auditor was the claim filed in behalf of Julia Morrissey of 133 South Morley Street, Baltimore, Maryland, in the amount of \$20.00 with interest from September 9, 1840, which claim was based upon a scrip

certificate No. 1956B, issued by the Chesapeake and Ohio Canal Company, on September 9, 1840, for the principal sum of \$20.00. Upon investigation it was determined that this claim was unsecured and for that reason it was disallowed in this audit.

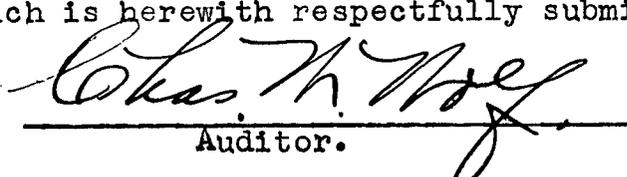
Among the claims presented to your Auditor was the claim of S. Rinehart Cohill based upon a claim purporting to arise under a judgment against the Chesapeake and Ohio Canal Company, being No. 85 Judicials, April Term, 1850, in the Circuit Court for Allegany County, and upon notes of the Chesapeake and Ohio Canal Company issued on September 13, 1842, for labor and materials furnished. These claims are the same claims that were presented to this Court at the time of the hearing on the exceptions to the ratification of the Auditor's First Account herein held on October 24, 1938. Under the order of this Honorable Court ratifying said Account, the exceptions of the said S. Rinehart Cohill with respect to said claims were overruled without prejudice to him but preserving to him the right to further prove what claim, if any, he may have before your Auditor, in connection with the further distribution of funds in this cause. That at a hearing on said claim held after two weeks notice, said claim was presented in the same form as heretofore presented to this Court, but in the absence of counsel for the claimant from Chester, Pa. Your Auditor has, therefore, neither allowed nor disallowed said claim in this Account, but has reserved to the said S. Rinehart Cohill the right to produce further proof as to what claim, if any, he may have before your Auditor upon some day to be fixed with convenience to said claimant and his counsel.

That he has charged Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in the above entitled cause, with the balance of the funds in these proceedings, as shown by the Auditor's First Account, in the amount of \$200,000.00.

That in accordance with the request of said Receivers and the orders of this Court, he has distributed the sum of \$39,365.67, retaining a balance for further distribution amounting to \$160,634.33. That after investigation, out of said balance for further distribution, he has allowed claims filed under the Act of 1900, Chapter 270, together with interest and costs thereon, in the aggregate amount of \$4,734.33, and has allowed said Receivers to retain in their hands the sum of \$155,900.00 for further and subsequent distribution in these proceedings.

That as heretofore stated, he has allowed a balance to be retained by the Receivers in the amount of \$155,900.00 for further distribution to labor claims and judgments, including interest, in the aggregate amount of \$19,552.66, that may possibly be filed and proven under the Acts of 1896 and 1900, and further distribution to costs, commissions and fees, and for further distribution to claims properly proven in the order of their priorities, and which amount will be more than sufficient to pay any claims that have been presented to your Auditor but which ^{have} ~~has~~ not been allowed in this Account.

All of which will more fully appear from the within annexed Account which is herewith respectfully submitted.


Auditor.

THE TRUST ESTATE OF CHESAPEAKE & OHIO CANAL
COMPANY, IN ACCOUNT WITH EDGAR W. YOUNG,
R. S. B. HARTZ AND G. L. NICOLSON, RECEIVERS
IN EQUITY CAUSES NOS. 4191 - 4198
CONSOLIDATED CASES

November 29th, 1938.	Dr.	Cr.
By Balance as shown by Auditor's Report No. 1,		\$200,000.00
To First National Bank, Baltimore, Md. For rent of safe deposit box for one year,	\$ 85.00	
" Tongue, Brooks and Zimmerman, Inc. Premium on Receivers' bond for \$5000.00, required to be filed in U. S. District Court for Dis- trict of Columbia in Equity Cause No. 12,240,		25.00
" Lane and Mish, For amount expended for recording fees in Allegany, Washington, Frederick and Montgomery Counties for deed to United States of America,		16.00
" R. P. Barker, For services as accountant as per Order of Court passed November 17, 1938,		750.00
" A. F. Hoffman, For services as Auditor as per Order of Court passed November 17, 1938,		350.00
" Charles P. McEvoy, For services as Special Account- ant as per Order of Court passed November 17, 1938,		300.00
" Frank Nichols, For services as Auditor as per Order of Court passed November 17, 1938,		100.00
" William P. Lane, Jr., For services as Solicitor and Counsel to the Receivers for the period to September 1, 1938, as per Order of Court passed November 17, 1938,		10,000.00

To Messrs. Hamilton and Hamilton, Attorneys at Law, For expenses as per Order of Court passed on November 17, 1938,	39.67	
To Messrs. Hamilton and Hamilton, Attorneys at Law, For services as Solicitors and Counsel to the Receivers to September 15, 1938, in the ancillary proceedings in this cause in Equity No. 12240, in the District Court of the United States for the District of Columbia, as per Order of Court passed November 17, 1938,	\$2,500.00	
" Messrs. Hamilton and Hamilton Attorneys at Law, To cover Court costs to be in- curred in filing and prosecuting the ejection suit to be brought in the District of Columbia in the name of George L. Nicolson, Trustee, as per Order of Court passed November 17, 1938,	100.00	
" Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in the cause, In part of the commissions to which they would be entitled by the rules of this Court as per petition of said Receivers filed with the Auditor and attached hereto,	, 22,500.00	
" Albert Sahli, To amount of agreed settlement of claim against the Receivers as per Order of Court passed November 17, 1938,	1,200.00	
" Frances J. Worthington, To amount of agreed settlement of claim against the Receivers as per Order of Court passed November 17, 1938,	400.00	
" Charles W. Wolf, Auditor's Fee,	1,000.00	
" Balance for further dis- tribution,	<u>160,634.33</u> <u>\$200,000.00</u>	<u>\$200,000.00</u>
By Balance for further distribution, which is distributed as follows:		\$160,634.33

To Anna Jackson, for judgment claim filed under Act of 1900, Chapter 270:

Principal	\$116.90	
Costs	8.25	
Interest	<u>301.25</u>	426.40

" Mary E. West, Adm., use of Harry C. West, Adm. d.b.n. for claim filed under Act of 1900, Chapter 270:

Principal	\$424.78	
Interest	<u>1253.11</u>	1,677.89

" Bridges and Henderson, for claim filed under Act of 1900, Chapter 270:

Principal	\$ 55.73	
Interest	<u>165.09</u>	220.82

" Dudley Page, Adm., for claim filed under Act of 1900, Chapter 270:

Principal	\$ 555.76	
Interest	<u>1,853.46</u>	2,409.22

" Balance retained in the hands of these Receivers for further distribution to labor claims and judgments, including interest, in the aggregate amount of \$19,552.66, that may possibly be filed and proven under the Acts of 1896 and 1900, and further distribution to costs, commissions, and fees and for further distribution to claims properly proven in the order of their priorities,

	<u>155,900.00</u>	
	\$ 160,634.33	

\$160,634.33

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al : CONSOLIDATED CASES

HONORABLE CHARLES W. WOLF, AUDITOR:

The petition of Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in the above entitled cause, respectfully represents:

1- That in the report heretofore made by these Receivers, based upon which the Auditor's Account of sales in the aggregate amount of \$2,100,000.00 was in the main distributed, there was included no distribution to these Receivers for their services nor as commissions on the sales therein reported as made.

2- That under the rules of Court these Receivers would be entitled to certain stipulated commissions based upon the aggregate amount of said sales.

3- That these Receivers do not desire that there be distributed to them at this time the entire amount of commissions to which they would be entitled, and they therefore authorize and request the Auditor of this Court to distribute to them, as commissions, the aggregate amount of \$22,500.00, *at this time*.

4- Said Receivers further request that said allowance, with respect to said commissions, be allowed to them in the next Report and Account to be stated by the Auditor in said proceedings.

And as in duty bound, etc.,

Edgar W. Young

R. S. B. Hartz

G. L. Nicolson

Receivers in Nos. 4191 & 4198 Equity
in the Circuit Court for Washington
County.

4191
NOS. 4198 EQUITY

EXCEPTIONS TO AUDITOR'S
ACCOUNT #2

Filed Dec. 8, 1938

JNO. E. WAGAMAN
ATTORNEY AT LAW
HAGERSTOWN, MARYLAND

GEORGE S. BROWN, et al. Trustees, : Nos. 4191;4198 EQUITY
 : CONSOLIDATED CAUSES,
 vs. : IN THE CIRCUIT COURT
 : FOR WASHINGTON COUNTY
CHESAPEAKE & OHIO CANAL CO. et al. :

TO THE HONORABLE, THE JUDGES OF SAID COURT:-

This exceptant excepts and objects to the distribution made to Mary E. West, Administratrix, use of Harry C. West, Administrator of W. Armstead West, in the sum of \$1677.89 in Auditor's report and account No. 2 filed November 29, 1938 in this cause filed, for the following reasons:

Prior to the administration granted to the said Harry C. West, his mother, Mary E. West, had been Administratrix of the said W. Armstead West until her decease. After several consultations of the said Mary E. West, Administratrix, in her lifetime, with your exceptant, concerning her claim as Administratrix against the Chesapeake & Ohio Canal Company to which claim the aforesaid distribution is made, she engaged your exceptant to collect the said claim in the following words to-wit:

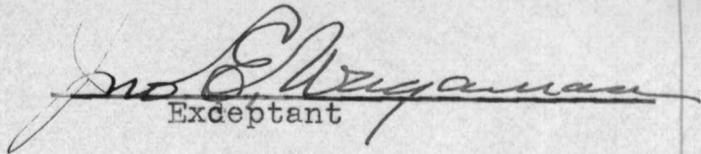
"I hereby authorixe John E. Wagaman, attorney, to collect the claim which I have against the Chesapeake and Ohio Canal Company and agree that he shall retain for his services one-half of the amount collected by him. (Signed) Mary E. West, Administratrix of William A. West."

Pursuant to said employment your exceptant, according to an understanding with the said Mary E. West, and pursuant to a petition in this cause filed by your exceptant did at a hearing before the Judges of said Court undertake to have fixed by decree the rights of the owner of this said claim. After said hearing this Court by opinion therein filed, determined the rights of the holder of this claim together with all other similarly situated, wherein said decree it was determined that these claims were entitled to interest on the principal thereof until

paid. Your exceptant advised by counsel representing the Chesapeake & Ohio Canal Company that this claim would be paid in accordance with said decree upon the said Administratrix filing an assignment of the said claim. But your exceptant was advised by the said Administratrix that she would prefer after said claim had its rights fixed by the decree, to let the same draw interest until some future time.

Pursuant to notice of the attorney for the receivers of the Chesapeake & Ohio Canal Company property your exceptant, on November, 16, 1938, appeared before the Auditor of this Court and presented this claim for distribution, when an attorney for the receivers for the Chesapeake & Ohio Canal Company told your exceptant that Harry C. West had informed him that your exceptant did not represent this claim.

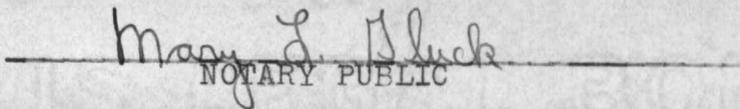
May it please your Honors to direct and instruct the Auditor of this Court to distribute one-half of said amount of said claim to your exceptant and one-half thereof to Harry C. West, Administrator.


Exceptant

STATE OF MARYLAND, WASHINGTON COUNTY, to-wit:-

I HEREBY CERTIFY, That on this 8th day of December, A. D., 1938, before me, the subscriber, a Notary Public of the State of Maryland, in and for Washington County, personally appeared John E. Wagaman, and made oath in due form of law that the matters and things set forth in the foregoing Exceptions are true to the best of his knowledge, information and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Notarial Seal the day and year last above written.


NOTARY PUBLIC

The foregoing exceptions are hereby set down for a hearing on the 19th day of December 1938 at 9:20 A. M.



Nos. 4191 + 4198 Equity

Ratification of
Auditor's Report +
Account No. 2

Filed Dec. 14, 1938

GEORGE S. BROWN, ET AL.

VS.

CHESAPEAKE AND OHIO CANAL
COMPANY, ET AL.

No. 4191 & 4198 EQUITY

In the Circuit Court for Washington County

SITTING AS A

COURT OF EQUITY

Auditor's Report and Account No. 2 filed in this cause November 29th,
1938, will be ready for final ratification after the same shall have
lain fourteen days in Court agreeable to Rule No. XXI.

Test:

Edward Oswald Clerk.

X

GEORGE S. BROWN et al : NOS. 4191 and 4198 EQUITY
 vs. : CONSOLIDATED CASES
 CHESAPEAKE AND OHIO CANAL : IN THE CIRCUIT COURT FOR
 COMPANY et al : WASHINGTON COUNTY, MARYLAND

ORDERED, this 14th day of December, A. D.,
 1938, by the Circuit Court for Washington County, sitting as a
 Court of Equity, that the foregoing Report and Account of the
 Auditor be, and the same is hereby, finally ratified and con-
 firmed, with respect to all of the matters set forth therein
 except the item of distribution to Mary E. West, Adm., use of
 Harry C. West, Adm. d.b.n. for claim filed under Act of 1900,

Chapter 270: Principal \$ 424.78
 Interest 1253.11
 \$1677.89

exceptions to the ratification of said Report and Account having
 been filed with respect to that item.

Thomas G. Wagoner

Nos 4191+4198 Equity

Ratification of
Auditor's Report
& Account No. 3

Filed Dec. 14, 1938

GEORGE S. BROWN, ET AL.

VS.

CHESAPEAKE AND OHIO CANAL
COMPANY, ET AL.

No. 4191 & 4198 EQUITY

In the Circuit Court for Washington County

SITTING AS A

COURT OF EQUITY

Auditor's Report and Account No. 3 filed in this cause November 29th,
..... 1938, will be ready for final ratification after the same shall have
lain fourteen days in Court agreeable to Rule No. XXI.

Test:

Edward Oswald Clerk.

GEORGE S. BROWN, ET AL

VS.

CHESAPEAKE AND OHIO CANAL

COMPANY, ET AL

No. 4191 & 4198 Equity.

In the Circuit Court for Washington County,

SITTING AS A

COURT OF EQUITY

Auditor's Report and Account No. 3....., filed November 29th....., 1938....

Notice thereof set up in Clerk's Office same day. No objection or exception thereto filed to this date,
...December 14th....., 193 8.

TEST :

Edward Oswald..... Clerk.

GEORGE S. BROWN, ET AL

VS.

CHESAPEAKE AND OHIO CANAL
COMPANY, ET AL

No. 4191 & 4198 Equity.

In the Circuit Court for Washington County,

SITTING AS A

COURT OF EQUITY

ORDERED, By the Circuit Court for Washington County, sitting as a Court of Equity, this 14th.....
day of December....., 1938....., 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 21 of this Court, and the trustee is hereby directed to pay out the fund
accordingly.

Frank E. Chapman.....

NOS. 4191 and 4198 EQUITY
CONSOLIDATED CASES

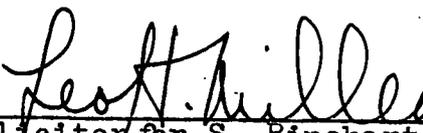
ORDER FOR APPEAL

Filed Dec 22, 1938

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
 VS: : WASHINGTON COUNTY, MARYLAND.
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al : CONSOLIDATED CASES

MR. EDWARD OSWALD, CLERK:

 You will please enter an appeal to the Court of
Appeals of Maryland from the decree filed in the above entitled
case on October 25, 1938, ratifying the Auditor's Report and
Account No. 1.


Solicitor for S. Rinehart
Cohill.

No 4191 + 4198 Equity

Dismissal & withdrawal
of exceptions filed
by John E. Wagoner
to ratification of
auditor's Report
and Account No. 2.

Filed Jan 7, 1939

GEORGE S. BROWN, et al : IN THE CIRCUIT COURT FOR
 vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY, et al : CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The undersigned, John E. Wagaman, does hereby request and direct that the Exceptions and Objections heretofore filed by him on December 8, 1938, to the distribution made to Mary E. West, Administratrix, use of Harry C. West, Administrator of W. Armistead West, in the sum of \$1677.89 in Auditor's Report and Account No. 2, filed November 29, 1938, in this cause, be and the same are hereby dismissed and withdrawn.

And the said John E. Wagaman prays that said Auditor's Report and Account No. 2 be finally ratified and confirmed in its entirety.

And as in duty bound, etc.,


Exceptant.

Dated - January 6th 1939.

No. 4191 & 4198 Equity

Order of Court
Ratifying Auditor's
Report & Act
No. 2 -

Filed Jan. 7, 1939

,GEORGE S. BROWN et al : IN THE CIRCUIT COURT FOR
vs. : WASHINGTON COUNTY, MARYLAND
CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
COMPANY et al : CONSOLIDATED CASES

The Exceptions and Objections to the distribution made to Mary E. West, Administratrix, use of Harry C. West, Administrator of W. Armistead West, in the sum of \$1677.89, in Auditor's Report and Account No. 2, filed November 29, 1938, in this cause, having been dismissed and withdrawn, it is, thereupon, this 7th day of January, 1939, by the Circuit Court for Washington County, sitting as a Court of Equity, ordered, adjudged and decreed that said Auditor's Report and Account No. 2 be, and the same is hereby finally ratified and confirmed with respect to said distribution and in its entirety.

Frank G. Chapman

NOS. 4191 and 4198 EQUITY
CONSOLIDATED CASES.

AUDITOR'S
REPORT AND ACCOUNT NO. 3.A.

Filed July 18 1939.

GEORGE S. BROWN, et al.,
VS.
CHESAPEAKE AND OHIO CANAL
COMPANY, et al.

(IN THE CIRCUIT COURT FOR
{ WASHINGTON COUNTY, MARYLAND
{ NOS. 4191 and 4198 EQUITY
{ CONSOLIDATED CASES.

TO THE HONORABLE, THE JUDGES OF SAID COURT:-

This, the Auditor's Report in the above entitled cause, respectfully shows:

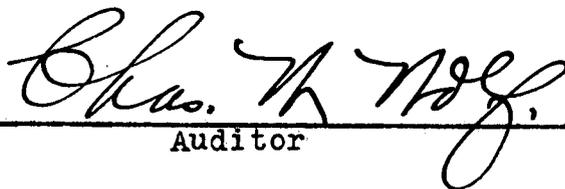
That he has examined the further proceedings in the said cause, and from them has stated the within account.

That he had presented before him the claim of Anna C. Scarlett, Administrator, in the amount of Four Thousand Nine Hundred Five Dollars and Ninety Cents (\$4,905.90), the said claim being made up in the principal amount of One Thousand Two Hundred Forty-two Dollars (\$1,242.00) and interest in the amount of Three Thousand Six Hundred Sixty-three Dollars and Ninety Cents (\$3,663.90). Upon examination of the same, it was found that this claim was filed under the Act of 1900, Chapter 270, of the Public Laws of the State of Maryland, and upon testimony taken it was shown that Anna C. Scarlett, Administrator, had died sometime prior to the stating of this Account and that William D. G. Scarlett had been granted Letters of Administration on the estate of Robert W. Scarlett and that he was, on the 2nd day of December, 1938, appointed Administrator de bonis non with the will annexed, of the said deceased, Robert W. Scarlett, and it now being agreeable to all parties to have the said claim paid, he has distributed the said sum of Four Thousand Nine Hundred Five Dollars and Ninety Cents (\$4,905.90) to the estate of the said Robert W. Scarlett in full payment of said claim filed by the said Anna C. Scarlett under the act of 1900, Chapter 270, as aforesaid, leaving a balance in the hands of the Receivers for further distribution to labor claims and judgments, including interest, in the aggregate amount of Fourteen Thousand Six Hundred Forty-six Dollars and Seventy-six Cents (\$14,646.76) that may be filed and proven under

the act of 1896 and 1900, and further distribution to costs, commissions, fees and claims, properly proven in said case.

All of which will more fully appear from the within and annexed account, which is herewith

Respectfully submitted,


Auditor

Dated January 17th, 1939.



Maryland

The State of Maryland,

To all Persons to whom these Presents shall come—Greeting:

WHEREAS, Administration of the personal estate of Robert W. Scarlett deceased, with a copy of the Will annexed of the said deceased, was heretofore granted and committed unto

Anne S. Scarlett

who has since died; and the estate of the said Robert W. Scarlett hath not yet been fully administered as it is said—

NOW KNOW YE, that Administration of all the goods, chattels, and credits not already administered, of the said Robert W. Scarlett

William W. G. Scarlett

who is appointed Administrator de bonis non, with the Will annexed, of the said Robert W. Scarlett deceased.

Witness, Philip E. Sykes Esquire,

Chief Judge of the Orphans' Court of Baltimore City,

this 2nd day of December

in the year of our Lord ~~eighteen~~ ^{nineteen} hundred and

~~eighty~~ ^{thirty Eight}

TEST,

John A. Bouse

Register of Wills for Baltimore City.

THE TRUST ESTATE OF CHESAPEAKE & OHIO CANAL COMPANY, IN ACCOUNT WITH EDGAR W. YOUNG, R. S. B. HARTZ AND G. L. NICOLSON, RECEIVERS, IN EQUITY CAUSES NOS. 4191 - 4198 CONSOLIDATED CASES.

January 17th, 1939.

DR.

CR.

By This sum being the total balance in hands of Receivers, as per Auditor's Report and Account No. 2,

\$ 155,900.00

To The estate of Robert W. Scarlett, in full payment of claim filed under the Act of 1900, Chapter 270, interest from July 1st, 1889, as follows:

Principal, \$ 1,242.00
Interest, 3,663.90

\$ 4,905.90

" Balance retained in hands of Receivers for further distribution to labor claims, and judgments, including interest, in the aggregate amount of \$14,646.76, that may possibly be filed and proven under the acts of 1896-1900, and further distribution to costs, commissions and fees, and further distribution to claims properly proven in order of their priorities,

150,994.10

\$ 155,900.00

\$ 155,900.00

Nos. 4191 and 4198 Equity.

Consolidated

received by
been given as indicated by Rule 21 of this Court, and the trustee is hereby directed to pay out the bond
trustee having been shown, and no exceptions thereto having been filed, although notice appears to have
the above entitled cause, and the same is hereby finally settled and confirmed, no cause to the contrary
day of..... 1933. That the Auditor's Report and Account No. 3 A..... in

ORDERED that the Clerk of said Court, Washington County, do give to a Clerk of Equity, this.....

COURT OF EQUITY
SITTING AS A

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY,

No. 2. CONSOLIDATED
4191 and 4198

Clerk.

Notice thereof set up in Clerk's Office same as
No objection or exception thereto filed to this date

Auditor's Report and Account No. 3 A.

COURT OF EQUITY

SITTING AS A

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY,

No. 2. CONSOLIDATED
4191 and 4198

FILED

FEB 6 1939

GEORGE S. BROWN, ET AL.

VS.

CHESAPEAKE AND OHIO CANAL
COMPANY, ET AL.

4191 and 4198

No. Cons.....EQUITY

In the Circuit Court for Washington County

SITTING AS A

COURT OF EQUITY

Auditor's Report and Account No. 3 A. filed in this cause January 18th.

*.....193⁹, will be ready for final ratification after the same shall have
lain fourteen days in Court agreeable to Rule No. XXI.*

Test:

Edward Oswald Clerk.

No. Consolidated Equity

In the Circuit Court for Washington County,

SITTING AS A

COURT OF EQUITY

VS.

CHESAPEAKE AND OHIO CANAL

COMPANY, ET AL.

Auditor's Report and Account No. 3 A, filed January 18th, 1939

Notice thereof set up in Clerk's Office same day. No objection or exception thereto filed to this date,

February 4th, 1939

TEST:

Edward Oswald Clerk.

4191 and 4198

No. S. Consolidated Equity

In the Circuit Court for Washington County,

SITTING AS A

COURT OF EQUITY

GEORGE S. BROWN, ET AL.

VS.

CHESAPEAKE AND OHIO CANAL CO., ET AL.

ORDERED, By the Circuit Court for Washington County, sitting as a Court of Equity, this 6th day of February, 1939, that the Auditor's Report and Account No. 3 A, 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 21 of this Court, and the trustee is hereby directed to pay out the fund accordingly.

Frank E. Bergman

NOS. 4191 and 4198 EQUITY

GEORGE S. BROWN et al

vs.

CHESAPEAKE AND OHIO
CANAL COMPANY, et al

Petition and Order of Court
Reducing Receivers' Bond

LAW OFFICES
LANE AND MISH
HAGERSTOWN TRUST BUILDING
HAGERSTOWN, MD.

Filed June 21 1939.

GEORGE S. BROWN, et al : NOS. 4191 and 4198 EQUITY
 : CONSOLIDATED CASES
vs. : IN THE CIRCUIT COURT FOR
CHESAPEAKE AND OHIO : WASHINGTON COUNTY
CANAL COMPANY, et al

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of Edgar W. Young, R. S. B. Hartz, and George L. Nicolson, Receivers in the above entitled cause, respectfully shows:

That upon their appointment as Receivers in this cause, in compliance with the order of this Court they qualified by filing on May 4th, 1938, a bond in the penalty of \$30,000.00 conditioned for the faithful performance of the trust reposed in them by said decree, or to be reposed in them by any further decree or order in the premises.

That on September 8, 1938, this Court ordered that these Receivers file in this Court four additional bonds, each in the penalty of \$517,500.00 and that your Receivers complied with said order by filing said bonds on September 9th, 1938, so that the aggregate amount of the bonds now filed in this Court by said Receivers is \$2,100,000.00.

That all of the property of the Chesapeake and Ohio Canal Company has now been sold by these Receivers, and they have collected the purchase price therefor in the amount of \$2,100,000.00.

That of all the funds coming into the hands of your Receivers they have distributed and disbursed the same as shown in Auditor's Accounts Nos. 1, 2, 3, and 3-A, filed in this cause and ratified by this Court, and that as shown by said Auditor's Account No. 3-A there is a balance of \$150,994.10, retained in the hands of these Receivers for further distribution to labor

claims, and judgments, including interest, in the aggregate amount of \$14,646.76, that may possibly be filed and proven under the Acts of 1896 and 1900, and further distribution to costs, commissions and fees, and further distribution to claims properly proven in order of their priorities.

That the aggregate premium required to be paid by your Receivers for said bonds, amounted to \$8,400.00.

That to continue said bonds in the aggregate amount of \$2,100,000.00 would be an unnecessary burden and expenses upon the funds remaining in the hands of your Receivers.

TO THE END, THEREFORE, your Receivers pray your Honorable Court to pass an order reducing the amount of the penalty of said bonds to an aggregate amount of \$160,000.00 conditioned for the continued faithful performance of the trust reposed in them by the decree appointing them or to be hereafter reposed in them by any further decree or order in the premises.

And as in duty, etc.,



Solicitor for Receivers.

GEORGE S. BROWN, et al : NOS. 4191 and 4198 EQUITY
 vs. : CONSOLIDATED CASES
CHESAPEAKE AND OHIO : IN THE CIRCUIT COURT FOR
CANAL COMPANY, et al : WASHINGTON COUNTY

ORDER OF COURT

WHEREAS at the time of the appointment of Edward W. Young, R. S. B. Hartz and George L. Nicolson as Receivers in this cause they were required by the order of this Court, passed on April 29th, 1938, to file their bond in the penalty of THIRTY THOUSAND (\$30,000.00) DOLLARS conditioned for the faithful performance of the trust reposed in them, and

WHEREAS, thereafter, on September 9th, 1938, by the further order of this Court, said Receivers were required to file four additional bonds, each in the penalty of FIVE HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED (\$517,500.00) DOLLARS, each with a different corporate surety or sureties, and each conditioned that said Receivers do and shall well and faithfully perform the trust reposed in them by the decree of this Court filed on April 29th, 1938, appointing them Receivers in this cause or that should be reposed in them by any future decree or order in the premises, and should account for the proceeds of the sale of the real estate in these proceedings and,

WHEREAS, said Receivers have reported the receipt of the proceeds of said sale, and have further reported the distribution and disbursement of most of said funds, retaining in their hands a balance of \$150,994.10, and

WHEREAS, it is therefore unnecessary to continue the penalty of said bonds in the aggregate amount of TWO MILLION ONE HUNDRED THOUSAND (\$2,100,000.00) DOLLARS with reference to the

future acts and duties of said Receivers, in the premises.

NOW THEREFORE, it is this 21st day of ~~April~~ ^{June}, 1939, by the Circuit Court for Washington County, sitting in Equity, ordered, adjudged and decreed that the respective bonds filed by said Receivers in this cause shall be continued in full force and effect, except that with respect to the further faithful performance of the trust reposed in said Receivers by any future order or decree in this cause, it is ordered, adjudged and decreed that the penalty of each of the four bonds filed by said Receivers in this cause on September 9th, 1938, shall be reduced from the amount of FIVE HUNDRED SEVENTEEN THOUSAND, FIVE HUNDRED (\$517,500.00) DOLLARS, to the amount of THIRTY TWO THOUSAND FIVE HUNDRED (\$32,500.00) DOLLARS.

Frank G. Ferguson

GEORGE S. BROWN et al : IN THE CIRCUIT COURT FOR
 vs. : WASHINGTON COUNTY, MARYLAND
 CHESAPEAKE AND OHIO CANAL : NOS. 4191 and 4198 EQUITY
 COMPANY et al : CONSOLIDATED CASES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

This, the Auditor's Fourth Report in the above entitled case, respectfully shows:

That he has examined the further proceedings in the said cause and from them has stated the within account.

That Edgar W. Young, R. S. B. Hartz and G. L. Nicolson, Receivers in said cause, have reported to him the receipt of the sum of \$1750.00 representing the net proceeds received by said Receivers in the settlement of Equity Cause No. 31,580, in the U. S. District Court for the District of Columbia.

That said Receivers have further reported obligations as follows:

To Real Estate Title Insurance Company, and Columbia Title Insurance Company, District of Columbia, for preparation of list and description of deeds constituting "chain of title" to triangle of land at the northwest corner of Canal and Foxall Roads, D.C., for use in ejectment suit	\$50.00
To Lehnert, Griffin & Anderson, Inc. for premium on Receivers' Bond in amount of \$30,000, renewed May 2, 1939	120.00
To Tongue, Brooks & Zimmerman, Inc. for premium on Receivers' Bond in amount of \$5,000 filed in ancillary proceeding in U. S. District Court for District of Columbia, renewed May 2, 1939	25.00

To R. Gray Williams, Attorney, use
of Lane & Mish, for fees and
expenses for recording deed to
U. S. Government in Fairfax and
Loudoun Counties, Virginia,

\$ 18.00

That he had presented before him the claim of the Estate of Edward King in the amount of \$197.75, the said claim being made up in the principal amount of \$50.00 and interest in the amount of \$147.75. Upon examination of the same it was found that this claim was filed under the Act of 1900, Chapter 270, of the Laws of Maryland, and upon proof taken it was shown that Mary E. King had been granted Letters of Administration on the Estate of said Edward W. King on February 17, 1939, and it now being agreeable to all parties to have the said claim paid, he has distributed the said sum of \$197.75 to Mary E. King, Administratrix of Edward W. King.

That he had presented before him the claim of the Estate of Benjamin King in the amount of \$651.75, the said claim being made up in the principal amount of \$165.00 and interest in the amount of \$486.75. Upon examination of the same, it was found that this claim was filed under the Act of 1900, Chapter 270, and upon proof taken it was shown that Benjamin F. King had been granted Letters of Administration on the Estate of said Benjamin King, on February 15, 1939, and it now being agreeable to all parties to have the said claim paid, he has distributed the said sum of \$651.75 to Benjamin F. King, Administrator of Benjamin King.

That he had presented before him the claim of the Estate of Robert A. Dobbin in the amount of \$984.00, the said claim being made up in the principal amount of \$300.00 and interest in the amount of \$684.00. Upon examination of the same, it was found that this claim was filed under the Act of 1900, Chapter

270, and upon proof taken it was shown that Charles Carroll, Jr., was appointed Administrator d.b.n. of the Estate of Robert A. Dobbin, on June 14, 1939, and it now being agreeable to all parties to have the said claim paid, he has distributed the said sum of \$984.00 to Charles Carroll, Jr., Administrator d. b. n. of Robert A. Dobbin.

That he had presented before him the claim of the Estate of William Goldsborough in the amount of \$100.60, the said claim being made up in the principal amount of \$28.58 and interest in the amount of \$72.02. Upon examination of the same, it was found that this claim was filed under the Act of 1900, Chapter 270, and upon proof taken it was shown that William Goldsborough had died and that William M. Goldsborough had been granted Letters of Administration on his estate, and it now being agreeable to all parties to have the said claim paid, he has distributed the said sum of \$100.60 to William M. Goldsborough, Administrator of William Goldsborough.

That he had presented before him the claim of H. C. Burgan in the amount of \$631.06, the said claim being made up in the principal amount of \$159.76 and interest in the amount of \$471.30. Upon examination of the same, it was found that this claim was filed under the Act of 1900, Chapter 270, and upon proof taken it was shown that the said H. C. Burgan had died and that Sarah E. Baker had been granted Letters of Administration on his estate, and it now being agreeable to all parties to have the said claim paid, he had distributed the said sum of \$631.06 to Sarah E. Baker, Administratrix of H. C. Burgan.

That he had presented before him the claim of O. J. Keller and Bros. in the amount of \$127.54, the said claim being made up in the principal amount of \$32.25 and interest in the amount of \$95.29. Upon examination of the same, it was found

that this claim was filed under the Act of 1900, Chapter 270, and upon proof taken it was shown that O. J. Keller and Charles E. Keller were partners trading under the name of O. J. Keller and Bros.; that O. J. Keller died June 2, 1899 and that Charles E. Keller died July 17, 1917, and that Minnie S. Keller had been granted Letters of Administration on the Estate of Charles E. Keller, and it now being agreeable to all parties to have the said claim paid, he has distributed the said sum of \$127.54 to Minnie S. Keller, Administratrix of Charles E. Keller, surviving partner of O. J. Keller and Bros.

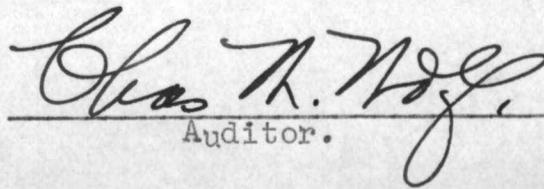
That he had presented before him the claim of A. Spencer & Company in the amount of \$174.02, the said claim being made up in the principal amount of \$44.00 and interest in the amount of \$130.02. Upon examination of the same, it was found that this claim was filed under the Act of 1900, Chapter 270, and upon proof taken it was shown that A. Spencer & Company was a trade name for Mary E. Spencer, who died September 13, 1923, leaving a will in which, with respect to any title to this claim, the same was devised to Edgar Spencer Weaver, residuary legatee, and who was also the Executor named in the will; that Edgar Spencer Weaver died in May, 1931, leaving a last will and testament in which he named Alban M. Wood as his Executor, and it being agreeable to all parties to have the said claim paid, he has distributed the said sum of \$174.02 to Alban M. Wood, Executor.

That there remains in the hands of the Receivers a balance of \$149,664.38 for further distribution to labor claims and judgments, including interest, in the aggregate amount of \$11,780.04 that may be filed and proven under the Acts of 1896 and 1900, and for further distribution to costs, commissions, fees and

claims properly proven in said case.

All of which will more fully appear from the within
and annexed account, which is herewith

Respectfully submitted,



Auditor.

Dated July 1939.

BALTIMORE
OFFICE SUPPLY CO.

THE REAL ESTATE OF THE CHESAPEAKE AND OHIO CANAL COMPANY, ET AL.,
 IN ACCOUNT WITH EDGAR W. YOUNG, R. S. B. HARTZ AND G. L. NICOLSON,
 RECEIVERS, IN EQUITY CAUSES NOS. 4191 AND 4198.

July 18th, 1939.

DR.

CR.

By This sum being the total amount
 of Cash in hands of the Receivers,
 as per their Report filed, \$ 152,744.10

AS FOLLOWS:

To	Balance in hands of Receivers, as per Auditor's Report and Account No. 1,	\$ 150,994.10	
"	Cash received from settlement of Equity Case No. 31580, in the U. S. Court for the Dis- trict of Columbia,	<u>1,750.00</u>	
		<u>\$ 152,744.10</u>	<u>\$ 152,744.10</u>

By This sum being the total amount
 of Cash in hands of the Receiv-
 ers, \$ 152,744.10

To	Real Estate Title Insurance Company and Columbia Title Insurance Company, District of Columbia,	\$ 50.00	
"	Lehnert, Griffin & Anderson, Inc., Premium on Bond,	120.00	
"	Tongue, Brooks & Zimmerman, Inc., Premium on Bond,	25.00	
"	R. Gray Williams, Atty., Use of Lane & Mish,	18.00	
"	Mary E. King, Administratrix of the estate of Edward W. King, in full payment of claim of \$50.00 and interest in the amount of \$147.75,	197.75	
"	Benjamin F. King, Adminis- trator of the estate of Ben- jamin King, in full payment of claim of \$165.00 and interest in the amount of \$486.75,	651.75	
"	Charles Carroll, Jr., Admin- istrator, d.b.n. of the estate of Robert A. Dobbin, in full payment of claim of \$300.00 and interest in the amount of \$684.00,	984.00	

BALTIMORE

OFFICE SUPPLY CO.

To	William M. Goldsborough, Administrator of the estate of William Goldsborough, in full payment of claim of \$28.58 and interest in the amount of \$72.02,	\$	100.60	
"	Sarah E. Baker, Administra- trix of the estate of H. C. Burgan, in full payment of claim of \$159.76 and inter- est in the amount of \$471.30,		631.06	
"	Minnie S. Keller, Adminis- tratrix of the estate of Charles E. Keller, in full payment of claim of \$32.25 and interest in the amount of \$95.29,		127.54	
"	Alban M. Wood, Exefutor of the estate of Edgar Spencer Weaver, in full payment of claim of \$44.00 and inter- est in the amount of \$130.02,		174.02	
"	Balance in hands of the Receivers for further dis- tribution to labor claims and judgments, including interest, in the aggregate amount of \$11,780.04, that may be filed and proven under the Acts of 1896 and 1900 and for further dis- tribution to costs, comm- issions, fees and claims properly proven in said case,		149,664.38	
		\$	<u>152,774.10</u>	<u>\$ 152,774.10</u>

BALTIMORE

OFFICE SUPPLY CO.

Nos. 4191 - 4198 Equity.

accordingly.

been given as required by Rule 21 of this Court, and the trustee of the trust directed to pay out the fund thereof having been shown, and no exception thereto having been filed, although notice appears to have been given to the above entitled cases, he and the same is hereby finally settled and confirmed, no cause to the contrary of which is shown.

ORDERED, by the Circuit Court for Washington County, sitting as a Court of Equity, this 8th day of August, 1939.

COURT OF EQUITY

SITTING AS A

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY

No. 4191 - 4198 Equity

Clerk

N.S.

CHESAPEAKE & OHIO CANAL COMPANY,

Plaintiff

Notice thereof set up in Clerk's Office on the 21st day of August, 1939. No objection or exception thereto filed on this day.

Applicant's Report and Account No. 4.

COURT OF EQUITY

SITTING AS A

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY

No. 4191 - 4198 Equity

Filed Aug. 8. 1939.

Rat. of Auditor's Report
and Account No. 4.

George A Brown
et al

VS.

Chesapeake & Ohio
Canal Company et al

4191
No. 4198 EQUITY

In the Circuit Court for Washington County

SITTING AS A

COURT OF EQUITY

Auditor's Report and Account No. 4 filed in this cause

July 20 1939, will be ready for final ratification after the same shall have
lain fourteen days in Court agreeable to Rule No. XXI.

Test :

Edward Oswald Clerk.

GEORGE S. BROWN, ET AL.

VS.

CHESAPEAKE & OHIO CANAL COMPANY

ET AL.

No. 4191 - 4198 Equity

In the Circuit Court for Washington County,

SITTING AS A

COURT OF EQUITY

Auditor's Report and Account No. 4, filed July 20th, 1939

Notice thereof set up in Clerk's Office same day. No objection or exception thereto filed to this date,

August 8th, 1939

TEST:

Edward Oswald

.....Clerk.

GEORGE S. BROWN, ET AL.

VS.

CHESAPEAKE & OHIO CANAL COMPANY,

ET AL.

No. 4191 - 4198 Equity

In the Circuit Court for Washington County,

SITTING AS A

COURT OF EQUITY

ORDERED, By the Circuit Court for Washington County, sitting as a Court of Equity, this 8 day of August, 1939, that the Auditor's Report and Account No. 4, 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 21 of this Court, and the trustee ^{s are} hereby directed to pay out the fund accordingly.

Frank F. Wagaman

NOS. 4191 and 4198 EQUITY

CHARLES S. BROWN et al

vs.

CHESAPEAKE AND OHIO CANAL
COMPANY et al

Petition for Counsel Fee
and Order of Court thereon

Filed Dec. 23. 1939

LAW OFFICES
LANE AND MISH
HAGERSTOWN TRUST BUILDING
HAGERSTOWN, MD.

CHARLES S. BROWN, et al : NOS. 4191 and 4198 EQUITY
vs. : CONSOLIDATED CASES
CHESAPEAKE AND OHIO CANAL : IN THE CIRCUIT COURT FOR
COMPANY, et al : WASHINGTON COUNTY, MARYLAND

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of William P. Lane, Jr., respectfully represents:

That he has continued to serve as counsel for the Receivers in this cause.

That on September 30, 1938, the Auditor stated his Report and Account No. 1, distributing on various claims held by the Baltimore and Ohio Railroad Company, as Assignee, the total amount of \$1,900,000.00.

That on October 13, 1938, S. Rinehart Conill filed exceptions to the ratification of said Account, asserting therein that the Account should not be ratified:

1- Because of the Auditor's finding that the Canal bonds of 1878 had precedence over judgments of record in Allegany County Court prior thereto, existing, unpaid and unsatisfied.

2- Because of distribution to the Baltimore and Ohio Railroad Company of the sum of \$308,726.75 or any other sum as holder of the Canal Bonds of 1878, before other claims are disposed of.

3- Because the finding that the Baltimore and Ohio Railroad Company as Assignee, of certain claims filed under the Acts of 1896 and 1900, was entitled to payment without considering like claims of other claimants arising under the same Acts and having the same priority.

4- Because the distribution to the Baltimore and Ohio Railroad of the sum of \$508,647.15 for such claims under the Acts of the General Assembly of Maryland of 1896 and 1900 was improper without distributing proper amounts to other claims under the same Acts and having the same priority.

5- Because of the Auditor's failure to award to S. Rinehart Cohill the amount of his claim with interest and costs under No. 85 Judicials, April Term, 1850 in the Circuit Court for Allegany County.

6- Because the Auditor failed to award to S. Rinehart Cohill the amount of his claims upon notes of Chesapeake and Ohio Canal Company issued on September 13, 1842 for labor and materials furnished, which notes were outstanding and unpaid and the priorities of which were expressly reserved to the claimants under the terms of the assignment to one Langstreet of all of the bonds and mortgages held by the State of Maryland against the Chesapeake and Ohio Canal Company, which bonds were purchased from the said Langstreet by the Baltimore and Ohio Railroad Company under and subject to the terms of the said assignment to him; and which include all of the bonds now held by the Baltimore and Ohio Railroad Company, including those under the mortgage of 1835 and those under the mortgage of 1878.

7- Because the Auditor was without authority to give preference to and order distribution to the Baltimore and Ohio Railroad Company of the sum of \$1,062,641.07, as part payment on a certain mortgage of 1835.

8- Because the Auditor failed to reserve in the hands of the Receivers sufficient funds to pay all prior claims, labor claims and judgments, costs, commissions, counsel fees and auditor's fees, etc.

9- This Exceptant objects to the ratification of the said Report for other reasons which will be presented to this Honorable Court at the hearing of these Exceptions.

That upon a hearing on said exceptions said Auditor's Report and Account was ratified on October 25, 1938.

That thereafter on December 22, 1938, said Exceptant took an appeal to the Court of Appeals.

That said appeal was argued as No. 7 Appeals, October Term, 1939.

That in preparing the brief and argument in behalf of the Receivers in this cause it was necessary for your petitioner to make an exhaustive study of the incorporation and corporate powers of the Chesapeake and Ohio Canal Company and of the right and power of said corporation and the State of Maryland to create the various indebtednesses to which distribution was made in said Auditor's Account because the validity and priority of each of the said distributions was questioned by said Exceptant.

That since the argument of said appeal in the Court of Appeals, that Court has handed down its decision sustaining the validity and priority of the distributions made in said Auditor's Account.

That your petitioner has been required in connection with his representation of these Receivers to do an enormous amount of research and study in the preparation of the argument of said appeal for which he has received no compensation. That he has consulted said Receivers with reference to the *propriety* ~~priority~~ of such charge as should be made for said services and that the said Receivers have agreed that a fair and reasonable compensation for the same would be the sum of \$5,000.00.

TO THE END THEREFORE, your petitioner prays your Honorable Court to pass an order authorizing and directing said Receivers to pay your petitioner such sum for said services as counsel as may be fair and reasonable under the circumstances.

And as in duty bound, etc.,

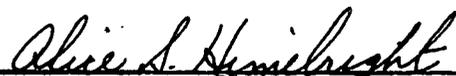


Counsel to the Receivers.

STATE OF MARYLAND, WASHINGTON COUNTY, to-wit:

I HEREBY CERTIFY, that on this 23rd day of December, A. D., 1939, before me, the subscriber, a Notary Public of the State of Maryland, in and for Washington County, personally appeared William P. Lane, Jr., and he made oath in due form of law that the matters and facts set forth in the foregoing petition are true, to the best of his knowledge, information and belief.

WITNESS my hand and Official Notarial Seal.



Notary Public.

GEORGE S. BROWN et al : NOS. 4191 and 4198 EQUITY
vs. : CONSOLIDATED CASES
CHESAPEAKE AND OHIO CANAL : : IN THE CIRCUIT COURT
COMPANY, et al : FOR WASHINGTON COUNTY

ORDER OF COURT

The foregoing petition having been read and considered, it is, thereupon, this 23rd day of December, A. D., 1939, by the Circuit Court for Washington County, sitting as a Court of Equity, ORDERED, ADJUDGED AND DECREED, that William P. Lane, Jr., be paid the sum of *five thousand* Dollars for his services as counsel and solicitor for the Receivers in this cause, said services having been rendered in connection with the hearing, appeal, and argument thereof of the exceptions filed to the Auditor's Report and Account No. 1.

Frank G. Waggoner