

achinery, appliances, instrumentalities, chattels and other equipment necessary for the operation and conduct of its business in the mining, preparation and transportation of copper and other ores in, upon and from the said tract of land, and the said property constitutes the entire assets of the defendant Company.

8. That the officers of said Company are all non-residents and there is no person in charge of the property; and the said property, machinery etc., are susceptible to loss, waste and deterioration from disuse and neglect; the said defendant subjected and exposed to a multiplicity of suits; and the funds and assets of said Company are and will be in danger of dissipation, by reason whereof and the insolvency of the said Company aforesaid the rights and interests of your orators and other creditors can only be protected and preserved by the appointment of a receiver for said Company and its property under the control and direction of Your Honorable Court.

Wherefore Your Orators pray for the following relief--

(1) That receivers may be appointed for said defendant company to take charge of and hold its said property and assets subject to the orders of this Court and to sell and convert into cash said property and assets subject to the orders of this Court and to sell and convert into cash said property and assets, and the proceeds thereof applied to the payment of the just debts and liabilities of said company.

(2) that your orators may have all such further and other relief as the nature of their case may require.

And your orators pray for the following process--That the writ of subpoena may issue in the usual form to the said defendant company, commanding it to be and appear in this Court on some certain day to be named therein, answer the premises, abide by and perform such a decree as may be passed therein.

And as in duty etc.

Stoner & Weinberg

O. K. Eaton

State of Maryland, Frederick County, set--

I hereby certify that on this 1st day of September A. D. 1908, before the subscriber, a Justice of the peace of the State of Maryland, in and for Frederick County, personally appeared John T. Fogle, a member of the firm of Fogle and Miller, the Plaintiffs in this cause, and made oath in due form of law that the matters and things set forth in the foregoing bill of complaint are true as therein set stated; and at the same time the said John T. Fogle further made oath in due form of law that he is a member of the said firm of Fogle and Miller and as such duly authorized and Qualified to make this affidavit.

C. H. Eckstein, J. P.

SUBPOENA.

State of Maryland, Frederick County to wit--

The State of Maryland.

To Virginia Consolidated Copper Company, a body corporate of the State of Maryland of Frederick County, greeting--

You are hereby commanded, that all excuses set apart, you personally appear before the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity, to be held at the Court House in Frederick, in and for Frederick County, on the first Monday of October 1908, to answer the Bill and Complaint of John T. Fogle and Charles J. F. Miller, partners, trading as Fogle & Miller, (for appointment of receiver) against you in said Court exhibited, and so forth.

Hereof fail you not, as you will answer the contrary at your peril.

Witness the Honorable Glenn H. Worthington, Chief Judge of said Court, the 7th day of September, A. B. 1908.

Samuel T. Haffner,

Clerk.

To the Sheriff of Frederick County.

Stoner & Weinberg, O. K. Eaton, Solicitors for Plaintiff.

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Court Seal.  
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