

should have the right to re-enter upon said demised premises and take possession of the same, and that all agreements and stipulations contained in said lease should become null and void, and all right title and interest of every kind of the said lessee in and to the said lease-hold property should cease, together with all their rights, title and interest in and to all buildings, machinery tools and other property, except the household furniture of the employes of the company, then on the said demised premises, whether the same was placed thereon after the execution of said lease or not, or placed thereon by the said lessee or not, and should become forfeited by the said lessee to the said lessors as liquidated damages and then become the property of the said lessee in fee simple; all of which will appear by reference to said Exhibit No. 1 filed to said petition.

5. That the said Virginia Consolidated Copper Company failed to carry on the said Mining operations prescribed in said lease continuously during the term thereof and their failure extended over a period a period of more than six consecutive months, and the said Company failed for more than six months in one year of the term created by the said lease to carry on the said mining operations therein prescribed, and your petitioner on account of said Default exercised his right to re-enter and did, in fact, re-enter upon the said demised premises and took possession thereof and all agreements and stipulations contained in said lease became null and void, and all rights, title and interest of every kind of the Company in and to the said lease-hold property ceased, together with all its rights, title and interest in and to any and all buildings, machinery, tools and other property, except the household furniture of the employes of the Company, then on said demised premises, and the said property became forfeited by the said lessee to the said lessor as liquidated damages and became the property of the said lessors in fee simple as provided by said lease; and the said Virginia Consolidated Copper Company thereupon sold and removed from the said demised premises the household furniture of the employes of said Company theretofore on the said demised premises and thereupon vacated and removed from said premises and delivered the keys to the buildings thereon to your petitioner, and your petitioner has ever since, and is now, in the actual possession and occupancy of the land, premises and property, mentioned in said lease, as the rightful, absolute and unqualified owner thereof, and has ever since maintained, and still maintains his agent and employee in charge and custody of said property, who has resided continuously and still resides in and upon said premises.

Wherefore your petitioner prays that the said order of Your Honorable Court, appointing said receivers to take charge and control of said property may be rescinded, and that the said receivers may be discharged and may be restrained from attempting to take charge and control of the said property and from interfering with the rights, interests and possession of Your petitioner in the premises.

And your petitioner may have all such other and further relief as the case may require.

Manassah C. Repp, J. P.

Vincent Sebold

Hammond Urner

Sols. for petitioner.

State of Maryland, Frederick County, to-wit--

I hereby certify that on this 11th 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 Manasseh O. Repp and made oath in due form of law that the matters and things stated in the foregoing petition are true to the best of his knowledge and belief.

-- C. H. Eokstein, J. P.

Upon the foregoing petition and affidavit, it is ordered by the Circuit Court for Frederick County in Equity this 11th day of September A. D. 1908, that the order of this Court passed September 7, 1908 appointing John T. Fogle and Thomas A. Dunshee receivers in the above entitled cause be rescinded and the said receivers discharged, unless cause to the contrary be shown on or