

heretofore duly appointed by the said court in the said suit of the Farmers Loan and Trust Company against the Oregon Railway and Navigation Company, which compromise, adjustment and settlement were thereafter and on the twenty second day of May 1896, duly approved and confirmed by said court by an order duly entered in said cause on said last mentioned date, and whereby it was determined, adjudged and decreed that the said Edwin McNeill, receiver, should assume and pay all outstanding liabilities of the said Clark and others as receivers, resulting from their operation of the Oregon Railway and Navigation Company's system of properties, which had then accrued or might thereafter accrue or be established against the said Clark and others, receivers, whether known or unknown, together with such accrued or accruing interest thereon as had been decreed by the said court or might be thereafter decreed by the said court as chargeable thereon and whereby it was ordered, adjudged and decreed that the said McNeill should enter into an obligation binding upon himself and his trust estate and property to carry out, keep and perform all the obligations imposed upon the said McNeill as in and by said order provided; and

Whereas, The party of the first part was designated and appointed by the said decree of August 10th 1895 as master commissioner to sell the railroad, property and franchises in said decree mentioned and described, and was by the said decree of the eighth day of June 1896, directed to proceed to sell the same in accordance with the terms, stipulations and directions of the said decree of August 10th 1895, and

Whereas, none of the said parties defendant having paid or caused to be paid, the sums mentioned in said decree or any of them, ^{within} the time fixed by said decree the said party of the first part, as master commissioner as aforesaid, in obedience to the said decree, did on the ninth day of July 1896, at the hour of 12 o'clock noon