

DISTRICT COURT OF THE UNITED STATES SOUTHERN  
DISTRICT OF NEW YORK.

In Equity No. 11—129.

THE UNITED STATES OF AMERICA, PETITIONER,

VS.

LEHIGH VALLEY RAILROAD COMPANY, AND THE LEHIGH  
VALLEY COAL COMPANY, AND COXE BROTHERS, INC., ET  
AL., DEFENDANTS.

MODIFICATION OF FINAL DECREE.

On consideration of the petition presented this day  
and consented to by the United States requesting modifi-  
cation of the Final Decree in this proceeding entered  
November 7, 1923, as heretofore modified, the Court  
being fully advised in the premises doth HEREBY ORDER.

ADJUDGE AND DECREE:

FIRST, that the Decree entered on November 7, 1923  
as before modified, be and the same is hereby modified  
as follows:

(1) - To authorize the Lehigh Valley Railroad Com-  
pany to pledge all of the outstanding capital stock of  
Coxe Brothers & Company, Inc., with the Reconstruction

Finance Corporation as collateral for the said loan of \$3,000,000.00 and other loans heretofore authorized and made or that may be hereafter authorized and made to the Lehigh Valley Railroad Company by the said Reconstruction Finance Corporation and to receive and use the proceeds of such loan or loans in accordance with the terms thereof.

(2) - To authorize James B. Neale, as surviving Trustee of Coxe Brothers & Company, Inc., to pledge all of his right, title and interest to and in the said 58,178 shares of the stock of Coxe Brothers & Company, Inc., to the Reconstruction Finance Corporation by such a power of attorney or other document as the said Reconstruction Finance Corporation may require, as collateral for the said loan or loans heretofore made or to be made by the Reconstruction Finance Corporation to the Lehigh Valley Railroad Company; provided, however, that the said James B. Neale, Trustee for Coxe Brothers & Company, Inc., his successor or successors, shall retain unto himself and themselves the right to vote the said 58,178 shares of the stock of Coxe Brothers & Company, Inc., as directed by this Court in the Final Decree of November 7, 1923, and the modification thereof; and further provided that the said Trustee shall not vote the said shares for the purpose of mortgaging the properties of Coxe Brothers & Company, Inc., or incurring any debt except such as the Trustee may deem proper and expedient for the purpose of carrying on the business of the corporation.

(3) - To authorize and direct Coxe Brothers & Company, Inc., and James B. Neale, Trustee for Coxe Brothers & Company, Inc., his successor or successors, to transfer and to pay to the Reconstruction Finance Corporation or its successors or assigns, upon its or their written request or order therefor, all dividends, whether in cash or stock, of Coxe Brothers & Company, Inc., so long as the Lehigh Valley Railroad Company is indebted to Reconstruction Finance Corporation or its successors or assigns, the same to be placed to the credit of the said Lehigh Valley Railroad Company on account of its said debt

to said Reconstruction Finance Corporation in such a manner as may be agreed upon between said Lehigh Valley Railroad Company and said Reconstruction Finance Corporation; provided, however, that the said James B. Neale, Trustee, his successor or successors, shall retain unto himself and themselves the right and power to sell under the direction of and with the approval of the court all or any part of the shares of Coxe Brothers & Company, Inc.; and, for the purpose of making delivery of such stock upon any sale thereof, the Lehigh Valley Railroad Company and James B. Neale, his successor or successors, shall retain the right to the redelivery of all or any part of the shares of Coxe Brothers & Company, Inc., so sold, upon the payment of such sum of money as may be approved by this Court as the reasonable sales price thereof.

SECOND, That otherwise the Final Decree of November 7, 1923, and as subsequently modified by supplementary decrees, be and remain in full force and effect in all respects as entered aforesaid.

WILLIAM BONDY,  
*United States District Judge.*

Dated: November 24, 1934.