

of railway from Walla Walla in the State of Washington to Dudley and Dixie in said State about 13.4 miles in length

To have and to hold all and singular, the premises, rights, franchises and property, real and personal, herein and hereby assigned, mortgaged, pledged and conveyed or intended so to be and every part and parcel thereof with all the appurtenances to the same belonging or in anywise appertaining unto the Trustee and to its successor or successors and assigns forever, subject, nevertheless, to the first mortgage of the said Oregon Railway and Navigation Company dated July 1st 1879 to the Farmers Loan and Trust Company, hereinbefore mentioned so far as the lien of the said mortgage extends to certain of the property of the said Oregon Railway and Navigation Company acquired as aforesaid by the Purchasing Committee at the fore close sale under the aforesaid Consolidated mortgage of the said Oregon Railway and Navigation Company.

(In Trust, nevertheless for the person or persons firm or firms, bodies corporate or politic, who may become the purchasers, holders, or owners of any or either of the bonds issued and to be issued hereunder, without any preference or priority of one bond over another, or others by reason of priority in time of issue or negotiation thereof, or otherwise and for the uses and purposes hereinafter declared and expressed, it being intended that the lien and security of this indenture shall take effect from the day of the date hereof, without regard to the date of the actual issue, sale or disposition of said bonds, and as though upon such date all of such bonds were actually issued sold and delivered to and in the hands of innocent holders for value.)

And it is hereby expressly covenanted that all of such bonds and coupons for interest thereon shall be issued certified and delivered, received and negotiated and that the mortgaged property and premises are hereby conveyed assigned and transferred by the Railroad Company, and are to be held by the Trustee subject to the further covenants conditions, uses and trusts hereinafter set forth;

And it is covenanted between the parties hereto as follows:

Article One.

Section I. All bonds to be secured hereby shall be signed by the Railroad Company and the corporate seal of the Railroad Company thereto affixed and shall be attested by such officers of the Railroad Company as from time to time shall be hereunto