

part thereof in the manner provided by law and out of the money arising from such sale retain the said principal and interest together with the costs and charges of making such sale and the over plus if any therebe pay over to the said B.M.Hawley and May M.Hawley, their heirs and assigns. In case of foreclosure of this mortgage a deficiency judgment may be taken at the option of the holder thereof.

In Witness Whereof we hereunto set our hands and seals this third day of June 1909

Signed, sealed and delivered in presence of

A.E.Yoacham

B.M.Hawley (Seal)

T.A.Hudson

May M.Hawley (Seal)

State of Oregon

County of Wasco, ss. I, T.A.Hudson do hereby certify that on this 3rd day of June 1909 before me personally appeared the within named B.M.Hawley and May M.Hawley to me known to be the individuals described in and who executed the within instrument and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 3rd day of June 1909

(Notarial Seal)

T.A.Hudson, Notary Public for State of Oregon  
residing at The Dalles, Ore.

Filed for record by Hudson Land Co. on June 8th 1909 at 8.15 A.M.

A.Fleischhauer  
Co.Auditor

1.05

Mercantile Trust Co. to Northern Pacific Ry.Co.

This Indenture made this first day of May A.D.1909 between The Mercantile Trust Company, a corporation under the laws of the State of New York, Trustee, hereinafter called "The trustee", party of the first part, and the Northern Pacific Railway Company, party of the second part, Witnesseth.

Whereas the Northern Pacific Railway Company, a corporation under the laws of the state of Wisconsin (which has succeeded to the lands and rights to lands granted by Congress to the Northern Pacific Railroad Company, a corporation created and existing by and under an act of Congress of the United States of America, entitled "an act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget sound on the Pacific Coast by the Northern Route", Approved July 2, 1864,) in and by a certain mortgage bearing date the tenth day of November 1896, did mortgage unto the said party of the first part, as Trustee, certain railways and other property including the lands hereinafter described, which mortgage was given to secure the payment of the prior lien railway land grant gold bonds of said Northern Pacific Railway Company to be issued to an amount not exceeding 130,000,000; and

Whereas the said Mercantile Trust Company, as Trustee is authorized in and by said mortgage by itself or by its authorized attorney, to release from the lien of said mortgage any lands which may be sold upon payment to said Trustee of the net sum received from such sales, so that the purchaser or purchasers thereof shall take and hold the same free from any incumbrances existing by reason of said mortgage, and Whereas All the lands hereinafter described have been sold and conveyed by the Northern Pacific Railway Company by several deeds in various parcels, and Whereas the said mortgage has not been satisfied and the moneys required for the payment of all the bonds secured thereby have not been deposited by means of operation of the sinking fund of said mortgage or otherwise, and Whereas the said Trustee has received the net proceeds arising from the sale of the said lands hereinafter described, as provided in said mortgage:

Now therefore, This Indenture Witnesseth that the party of the first part, as Trustee as aforesaid