

Santa Fe Pacific Railroad Co. to C. B. Peterson.

This Indenture, Made this fifth day of March A. D. 1904 between the Santa Fe Pacific Railroad Company, a corporation duly incorporated under an Act of Congress approved March 3, 1897, party of the first part, and C. B. Peterson, of the County of Oklahama and State of Washington, party of the second part, Witnesseth, That Whereas, Said Santa Fe Pacific Railroad Company was the legal owner of the Northwest quarter of section seventeen, Township Twenty-Two north, range four east of the Gila and Salt River Base and Meridian, Arizona, containing one hundred and sixty acres of land situated in the San Francisco Mountains Forest Reserve, in the Territory of Arizona, relinquishable under the act of Congress approved June 4, 1897 (30 U. S. Stats., 36) and June 6, 1900, (31 U. S. Stats., 614,) and Whereas, Said Railroad Company has relinquished to the United States of America the said lands containing 160 acres, and by virtue of such relinquishment it became entitled to select in lieu thereof an equal quantity of vacant, surveyed, non-mineral public lands of the United States, subject to homestead entry, as provided in said Act of Congress; and Whereas the said Railroad Company has sold to the said second party its rights under said Acts of Congress to select lieu lands as aforesaid in the place of the lands so relinquished as aforesaid, and has agreed to select 160 acres of land from the description furnished by said second party, and after the selection thereof to convey all its right title and interest therein to the said second party by a good and sufficient deed of conveyance; and Whereas, Said Railroad Company has selected, under the direction of said second party the lands hereinafter conveyed, subject to the approval of the proper officers of the United States: Now Therefore, the said first party, for and in consideration of the sum of Six hundred and forty Dollars, to it in hand paid by the second party, the receipt whereof is hereby acknowledged, releases and, remises and conveys subject to the agreements and conditions contained herein, unto the said second party, his heirs and assigns; all that parcel of land selected as aforesaid and situated in the County of Skamania and State of Washington described as follows to wit: The East half of the Southeast quarter of section nine, and the North half of the Northwest quarter of Section fifteen; all in Township Two north, range six east of the Willamette Meridian, Washington, containing one hundred and sixty acres.

To have and to hold, all and singular, the said premises last above described, with the appurtenances, unto the said second party, his heirs and assigns, forever.

And the said first party covenants with the said second party, his heirs and assigns, that it was lawfully seized of the said 160 acres of land situated in said San Francisco Mountains Forest Reserve, which it relinquished as aforesaid to the United States of America, at the date of such relinquishment, and that the lands so relinquished, were at the time thereof free and clear of all encumbrances whatsoever and had the right to relinquish the same under the said Act of Congress; provided however, and it is expressly understood and agreed between the parties hereto, that if the United States shall reject the title to any of said lands so relinquished to it, and by reason thereof shall refuse to approve any of the selections made in lieu thereof as aforesaid, and shall refuse on account thereof to permit other lands to be selected under said act of Congress in lieu thereof of any of the lands so relinquished as aforesaid, and in case