

a proportion; and no more, of the entire consideration paid or promised by said second party, as the number of acres of relinquished lands to which the title thereto shall prove insufficient to warrant the selection of less lands as promised, shall bear to the entire number of acres relinquished to the United States as promised; but in no event shall the amount of damage which said second party shall be entitled to recover exceed the consideration for herein expressed, to-wit: Six hundred and forty and  $\frac{1}{2}$  Dollars with interest thereon at the rate of five per cent per annum from the date of payment. It is further agreed by the parties hereto, that if any part of the selections of less lands made as promised, under the direction of said second party and described and named herein, shall not be approved by the United States for patent for any reason whatsoever, then said second party shall within a reasonable time after such failure of approval designate other selections in lieu thereof, and said first party shall make such selections and after approval thereof by the United States, convey all its right, title and interest in the same to said second party, his heirs and assigns subject to the covenants herein contained.

In Witness Whereof, The said Santa Fe Pacific Railroad Company, party of the first part, has caused this deed to be signed by O. O. M. Dawson, its attorney in fact, the day and year first above written. Sealed and delivered in presence of

A. Fleckham

J. A. Fisher

State of Washington

Bounty of Skamania }<sup>21</sup>. This certifies, That on this the 29th day of March A.D. 1906, before me, the undersigned authority, as and for said County and State, personally appeared the within named Santa Fe Pacific Railroad Company, a corporation by O. O. M. Dawson, its duly authorized attorney in fact, he being known to me to be the identical person described in and who executed the within instrument for and on behalf of the said corporation, and the said O. O. M. Dawson, then and there acknowledged that he did, is such attorney, execute the within instrument as and for the abovesaid of said Santa Fe Pacific Railroad Company and the said O. O. M. Dawson, is such attorney in fact, signed the name of said company to the within instrument and the authority is him vested by said power of attorney.

In Witness Whereof I have hereunto set my hand and affixed my official seal on this 29th day of March A.D. 1906, the certificate herein above named.

'Seal of'

(Sig. blank)

A. Fleckham, Clerk of Superior Court

Skamania County, Wash

Filed for record by O. O. M. Dawson on March 29, 1906 at 1.15 P.M.

A. Fleckham

To be substituted

1.80

v