

Santa Fe Pacific to F. A. Kribbs

This Indenture, Made this 15th day of March 1906, 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 Frederick A. Kribbs, of the County of Multnomah, State of Washington, party of the second part, Witnesseth, That, Whereas, said Santa Fe Pacific Railroad Company was the legal owner of the Northeast quarter (NE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section 19 Township 18 North of Range 8 East of the 5th and Salt River Base and Meridian in Oregon in San Francisco Mountain Forest Reserve, in the Territory of Arizona, relinquishable under the Acts 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 land containing --- acres, and by virtue of such relinquishment it became entitled to select in lieu thereof an equal quantity of vacant, surveyed, unmineral public lands of the United States, subject to Homestead entry, as provided in said Acts of Congress; and Whereas the said Railroad Company has sold to the said second party its rights under said Acts of Congress to select said lands as aforesaid and has agreed to select 40 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 said second party by good and sufficient deed of conveyance; and Whereas, said Railroad Company has selected, under the direction of said second party and from the description furnished as aforesaid, the lands hereinafter averred, subject to the approval of the proper officer of the United States:

Now Therefore, the said first party, for and in consideration of the sum of One hundred and twenty & $\frac{20}{100}$ Dollars, to it in hand paid by said second party, the receipt whereof is hereby acknowledged, removes, releases 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:

Lot numbered four (4) (being the SW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 12 Township (3) Three North of Range seven (7) East of the Willamette Meridian. 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 forty acres of land situated in said San Francisco Mountain Forest Reserve, which it relinquished 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 that it had good title to the said lands so relinquished at the date of such relinquishment, and had the right to relinquish the same under the said Acts 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 the 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 or consent thereof to permit other lands to be selected under said Acts of Congress in lieu thereof of any of the lands so relinquished, and in case of the breach of any other covenant or agreement, express or implied, in this indenture, in respect of to any of the lands so relinquished and which breach shall prevent the further selection and approval of other lieu lands in place of any of the lands so relinquished as aforesaid, then the measure of damages to be recovered in amount thereof shall be such a proportion, and no more, of the entire consideration paid as aforesaid by said second party, as the number of acres of relinquished lands to