

Santa Fe Pacific to F. A. Kibb

This Indenture, made this 15th day of March A. D. 1906 between the Santa Fe Pacific Railroad Company, a corporation duly incorporated under an act of Congress approved March 3, 1899, party of the first part and Frederick A. Kibb, of the County of Multnomah, State of Oregon, party of the second part, Witnesseth, that Whereas, said Santa Fe Pacific Railroad Company was the legal owner of the Southeast quarter of the Northwest quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 19 Township 18 North of Range 8 East of the Gila and Salt River Base and Meridian in San Francisco Mountain 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 --- acres, and by virtue of such relinquishment it became entitled to select in lieu thereof an equal quantity of vacant, unreserved, unencumbered public lands of the United States, subject to homestead entry, as provided in said acts of Congress to select lieu lands, as aforesaid in the place of the lands relinquished, and has agreed to select Forty 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 party second by a 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 conveyed, 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 Three hundred and twenty and $\frac{00}{100}$ Dollars, to it in hand paid by the 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 her heirs and assigns, all that parcel of land selected as aforesaid and situated in the County of Klamath and State of Washington described as follows, to-wit:

The Northwest quarter ($NW\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section 28, Township 3 North of Range 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 her heirs and assigns forever. And the said first party covenants with the said second party, her heirs and assigns, that it was lawfully seised of the said forty acres of land situated in said San Francisco Mountain Forest Reserve, which it relinquished as aforesaid to the United States, 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 said lands so relinquished, and it had the right to so 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 said lands so relinquished to it, and by reason of so 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 Acts of Congress in lieu of any of the lands so relinquished as aforesaid and in case of the breach of any other covenants or agreement, express or implied, in this indenture, in respect to any 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 on account 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 which the title thereto shall be proven insufficient to warrant the selection of lieu lands