

C. R. & N. Co. to P. & S. Ry. Co.

THIS DEED made this Sixth day of November in the year of our Lord one thousand nine hundred and five, between the COLUMBIA RAILWAY AND NAVIGATION COMPANY, a corporation under the laws of the state of Washington, party of the first part, and the PORTLAND AND SEATTLE RAILWAY COMPANY, a corporation under the laws of the state of Washington, party of the second part, WITNESSETH: Whereas, the party of the first part has constructed a railway extending from a point in section twenty five (25), of township two (2), North of range thirteen (13) East of the Willamette Meridian, in an easterly direction to a point in section seventeen (17) of township two (2) north of range fifteen (15) east of the Willamette Meridian, a distance of nine miles more or less, all in the county of Klickitat and state of Washington, and has located a line of railway from a point in the city of Vancouver, in the county of Clarke and State of Washington, extending thence in an easterly direction along the north bank of the Columbia river a distance of about two hundred and thirty miles, to a point at or near the mouth of the Yakima river, in the county of Benton in the state of Washington, and has acquired certain lands, premises and rights of way along said line so located for the construction and operation of a railway; and, Whereas, the stockholders of the Columbia Railway and Navigation Company, at a meeting held on the sixth day of November A.D., 1905 unanimously consented to this conveyance and the board of directors of said Columbia Railway and Navigation Company, at a meeting of said board, duly held on the sixth day of November A.D., 1905, duly authorized and directed the execution of this conveyance; Now Therefore, in execution of the power and authority, and in pursuance of the direction given by said board of directors and by said stockholders, and in consideration of one dollar to the party of the first part paid by the party of the second part, the receipt whereof is hereby acknowledged, the Columbia Railway and Navigation Company hereby grants unto the Portland and Seattle Railway Company, its successors and assigns, the right to use in common with the party of the first part, the said railway so constructed by said party of the first part and extending from a point in section twenty five (25) of township two (2) north of range thirteen (13) East of the Willamette Meridian in an easterly direction for a distance of nine miles more or less to a point in section seventeen (17) of township two (2) north of range fifteen (15) east, in the county of Klickitat and state of Washington, together with all lands, premises and rights of way appertaining to said railway and all the effects and structures and all other property upon the said lands, premises and rights of way appertaining to the same, or acquired for use in connection therewith; also the right to relocate and reconstruct the said railway at such points as the party of the second part shall determine; also the right to use in common with the party of the first part all rights of way and the right to enter upon any lands and premises of the party of the first part along the line of railway extending from a point in the city of Vancouver, in the county of Clarke, in the state of Washington, thence easterly along the north bank of the Columbia river, a distance of two hundred and thirty (230) miles more or less to a point at or near the mouth of the Yakima river in the county of Benton, in the state of Washington, located by said party of the first part, but unconstructed except as above described, and construct, maintain and operate thereon a railway; Provided, however, and this agreement is made and accepted upon the express condition that, upon the construction of said railway by the party of the second part, its successors or assigns, the party of the first part shall be entitled to use the tracks thereof which shall be laid upon the premises of the party of the first part in common with the party of the second part, upon payment by the party of the first part to the party of the second part of one half of the cost of construction of that portion of