

the selection of lieu lands as aforesaid, shall bear to the entire number of acres relinquished to the United States as aforesaid; but in no event shall the amount of damages which said second party shall be entitled to recover exceed the consideration herein expressed, towit: Three Hundred and forty dollars (\$340.00) 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 lieu lands made as aforesaid, under the direction of said second party and described and conveyed herein, shall not be approved by the proper officers of 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 thereupon 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.P.M. Jamison, its attorney in fact, the day and year first above written.

Signed, Sealed and delivered)
in presence of
W.G. Howell:

Santa Fe Pacific Railroad Company,
By O.P.M. Jamison
Its Attorney in fact.

Witnesses.

State of Oregon }
County of Multnomah } ss

THIS CERTIFIES, That on this the 14th day of December A.D. 1909, before me, the undersigned W.G. Howell a Notary Public in and for said County and State, personally appeared the within named Santa Fe Pacific Railroad Company, a corporation, by O.P.M. Jamison 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 said O.P.M. Jamison then and there acknowledged to me that he did, as such attorney execute the within instrument as and for the act and deed of said Santa Fe Pacific Railroad Company, and the said O.P.M. Jamison, as such attorney, signed the name of said company to the within instrument, under the authority in him vested by said power of attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, on this the day in this certificate herein above named.

(NOTARIAL)
(SEAL)

W.G. Howell

Notary Public for Oregon.

Filed for record by F.A. Kribs on December 15, 1909 at 8:30 A.M.

A. Fleischhauer,

County Auditor

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