

will more fully and at large appear, which trust duly was accepted by said The Mercantile Trust Company by executing the said mortgage as party of the second part thereto; and such mortgage duly was recorded in the proper public offices in the States of Wisconsin, Minnesota, North Dakota, Montana, Idaho, Washington and Oregon; and

WHEREAS, By Virtue and as the result of an agreement made pursuant to the laws of the State of New York, which became effective on August 10, 1911, said The Mercantile Trust Company, the Trustee named in said mortgage, has been merged into and with Bankers Trust Company, likewise a corporation of the State of New York, which thereby has become the corporate successor of said The Mercantile Trust Company; and

WHEREAS, The said Bankers Trust Company insists that by virtue and as the result of the said merger and pursuant to law, it thereupon and thereby, as such corporate successor, became the successor of said The Mercantile Trust Company as Trustee in and under the said mortgage, vested with all the estates, properties, rights, powers and trusts of said The Mercantile Trust Company in the trust under the said mortgage, with like effect as if originally named as Trustee therein; and

WHEREAS, Northern Pacific Railway Company, while neither conceding nor denying that the said Bankers Trust Company, by virtue and as the result of the said merger became the successor of the said The Mercantile Trust Company as Trustee in and under the said mortgage, yet properly desiring that no question may be raised anywhere in relation to the due succession of the said Bankers Trust Company to said The Mercantile Trust Company as such Trustee, and to avoid the possibility of any such question being raised, insists upon making formal appointment of the said Bankers Trust Company as Trustee under said mortgage as thereby it is authorized and empowered to do in case a vacancy occur in the office of Trustee:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That Northern Pacific Railway Company has constituted and appointed, and hereby does constitute and appoint, BANKERS TRUST COMPANY, a corporation of the State of New York, Trustee under the said mortgage; hereby vesting said Bankers Trust Company, upon its executing an instrument accepting such appointment (to be appended to and duly recorded with these presents), with all the estates, properties, rights, powers and trusts of said The Mercantile Trust Company in the trust under the said mortgage, with like effect as if originally named as Trustee therein.

IN WITNESS WHEREOF, Northern Pacific Railway Company has caused these presents to be signed and acknowledged or approved by its President or its Vice-President, and its corporate seal to be hereunto affixed, and the same to be attested by the signature of its Secretary or its Assistant Secretary, this 11th day of October, 1911.

(LS) (Corporate seal affixed)

NORTHERN PACIFIC RAILWAY COMPANY,

Attest: Geo. H. Earl
Secretary.

By Jas. N. Hill
Vice-President.

Signed, sealed and delivered
in the presence of:

(not legible)

Wm. H. Bruder

STATE OF NEW YORK,)
County of New York,) SS.:

I, Wm. H. Bruder, a Notary Public of the State of New York in and for the County of New York, thereto duly appointed by the Governor of the State of New York, do hereby certify that James N. Hill and George H. Earl, whose names are signed to the foregoing instrument hereto attached, bearing date on the 11th day of October, 1911, as Vice-President and Secretary, respectively, of Northern Pacific Railway Company, the corporation described in and which executed the above instrument, with whom I am personally acquainted, and who are