

hereditaments acquired and appropriated for the purposes of said road, and of a right of way for said road along its entire length, and all appurtenances thereunto belonging; and also all the depots, engine houses, turn tables, warehouses, machine shops, work shops, superstructures, erections, and fixtures of said road; all and singular the locomotives, tenders, passenger cars, freight cars, hand cars, crank cars, carriages, tools, machinery and equipments of said road; and all ties, iron and other materials now provided for repair of, or use upon, said road;

Thirteenth:

Also all the telegraph line of the party of the first part, extending from Portland in the State of Oregon via The Dalles, Celilo, Umatilla, and Wallula to Walla Walla Washington Territory, with all the poles, wires, insulators, instruments, Offices, office furniture, tools machinery, appurtenances and fixtures and all supplies and Material on hand for use on said telegraph line.

Fourteenth.

And all real estate, whether hereinbefore described or enumerated or not, and wherever situated now owned by said party of the first part, or to which it has any right, title or interest, legal or equitable, absolute or contingent.

To Have and to Hold, all and singular the premises, rights, franchises and property, real and personal, hereinbefore described and herein conveyed and intended to be conveyed, and every, part and parcel thereof, with all the improvements and appurtenances unto the same belonging, or in any wise appertaining, unto the said party of the second part, its successors and assigns forever.

And the said party of the first part, the said Oregon Steam Navigation Company for itself its successors and assigns, hereby covenants and agrees to and with said party of the second part, said Oregon Railway and Navigation Company, its successors and assigns, to warrant and defend the said premises, rights, franchises and property, real and personal, herein conveyed or intended to be conveyed unto the said party of the second part, the said Oregon Railway and Navigation Company, its successors and assigns forever, against the lawful claims and demands of all persons claiming or to claim the same by through or under it said party of the first part; but it is expressly understood that the said tract of land known as the "Distillery Lot". in Portland, Oregon, is sold subject to a certain Mortgage upon the South 122½ feet thereof for the sum of \$12,500, executed by Theodore H. Liebe. D.W. Hoelbing and H. Voss and wives to Mrs Mary Griswold. Dated Dec 15th 1879 and recorded on page 55 of Book "T" of Mortgages for Multnomah County, Oregon, the payment of the debt secured by said Mortgage having been assumed upon the purchase of said property by the party, of the first part, the payment thereof is now in consideration of the premises hereby assumed by the party of the second part.

And said party of the first part, for itself its successors and assigns covenants and agrees to and with said party of the second part, its successors and assigns, that it, the said party of the first part will and its successors and assigns shall, upon the reasonable request, and at the cost of said party of the second part, its successors and assigns, make and execute or cause to done and executed, all and every such further and other lawful acts, conveyances and assurances in law, for the better and more effectual vesting and conferring the premises, rights and franchises hereby granted, or so intended to be, and to the

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