

STATE OF WASHINGTON }
COUNTY OF WASCO } SS:

I, John R. Asher being first duly sworn do say upon my oath that I am one of the partners of the firm of Asher and Brendage, who made executed the foregoing ~~known~~ mortgage conveyance to Z.F. Moody that said Mortgage was given by us in good faith to secure the payment of a certain promissory note for the sum of three hundred and ninety seven Dollars and ninety six cents which is an actual bonafide debt due and owing from the said copartnership of Asher and Brendage to Z.F. Moody for a good and valuable consideration that said Mortgage is not given to defraud any of the creditors of the said Asher and Brendage.

Subscribed and sworn to before me on this the 16th day of October, 1879.

John R. Asher :

In Witness Whereof I have hereunto set my hand and Notarial Seal on the day and year first above written in this certificate. J.B.Candon, Notary Public for Oregon.

(Notarial Seal)

Received and Recorded this 17th day of Oct, 1879 at 1 past 10 O'Clock A.M.

Thomas Moffett, Auditor.

THE OREGON RAILWAY AND NAVIGATION COMPANY

TO

THE FARMERS LOAN AND TRUST COMPANY.

THIS INSTRUMENT W^{AS} made this first day of July, in the Year of Our Lord one thousand eight hundred and seventy nine, b^etween the Oregon Railway and Navigation Company a body corporate, created and existing under and by virtue of the Acts of the Legislature of th^e State of Oregon, in that behalf made and provided, party of the first part and the Farmer s Loan and Trust Company (of New York) party of the second part, Witnesseth:-

Whereas the said party of the first part is authorized and empowered in and by the Several acts of the Legislature of the State of Oregon, as follows: First, To construct and equip the following railroad and telegraph lines, named: First, -A line along the south side of the Columbia River, between Portland and Umatilla, Second, A line from Umatilla across the Blue Mountains through the Grand Ronde Valley, in a southwesterly direction to a point on the east State line of Oregon towards Boise.

Third: A line from Umatilla to Waiwala in Washington Territory. Fourth: A line from Weston, in Washington Territory, southwardly to the point of intersection with the line in Oregon first described; Fifth: From Walla Walla, in Washington Territory, in a northeasterly direction by Dayton to the Snake River; Sixth: From a point on the Snake River, in Washington Territory, near the mouth of the Palouse river, along the valley of the Palouse river, in a northeasterly direction to the head waters of the Spokane river. And to maintain and operate such railroad, Telegraph line and branches carry freight and passengers thereon and receive tolls for same.

Second: To purchase or ~~consolidate~~^{consolidate} with, or lease ^{or} operate and maintain on such terms as may be agreed upon, any railroad in Oregon, Washington, Idaho, or Utah, with its or their rolling stock, equipments, or appurtenances, and to complete the same to its ~~whichever~~^{whichever} authorized ~~terminus~~^{terminus}.

✓ Third: To facilitate and assist the construction, building, extension, equipment, and operation of any railroad line, steamship, or steamboat line in Oregon, Washington or Idaho, or Steamship line running from Portland to any other ports on the Pacific Ocean, connecting

or intending to connect or exchange traffic with the railroad of this corporation and for such purpose to subscribe for, ^{or} purchase the Stocks or bonds of any such company; to guarantee or otherwise secure the payment of any such bonds, or the interest thereof, by pledge or Mortgage of the property of this corporation, or any part thereof, or otherwise and to consolidate with, or to lease or contract for the operation and maintenance of any and all such railroad, steamship, or steamboat companies, and to obtain from Congress or the Legislature of Washington, Idaho and Utah, Territories, the necessary Charters or other legislative authorities for the extension of the railroads of this Company into said States and Territories, or for the carrying out of any other of the objects herein specified.

Fourth: To build, purchase and own and run steamships ^{Victoria} between the parts of Portland, Astoria, Sitka, San Francisco, or any other parts in North Pacific Ocean, and Steamboats on the Columbia, Willamette, ~~Snake and Snake~~ and Snake rivers, and also docks, piers, warehouses, locks, ferry boats, stages, and other means of transportation in connection with the railroads, steamships, and steamboats above mentioned.

Fifth: To purchase or acquire lands or lots, whether adjacent or contiguous to its railroads, docks, warehouses or not; and to hold, possess, improve, lease, sell, mortgage, or otherwise dispose of such lands in such manner as may be deemed fit:

Sixth: To borrow money on bonds, notes or otherwise, for the general purposes of the corporation, and ^{to} ~~the~~ mortgage its railroads, steamships, Steamboats, franchises, rolling stock and any or all other property to secure the payment thereof:

Seventh: To do all other things necessary or proper for the accomplishing of the objects above specified.

And Whereas, for the purposes herein ~~before~~ described the Board of Directors of said Oregon Railway and Navigation Company, make, execute, issue and deliver, under its corporate seal its certain six thousand bonds for one thousand dollars each, numbered consecutively from one to six thousand, ^{even} bearing date herewith, severally payable to the Farmers Loan and Trust Company (Of New York) or bearer, in gold Coin of the United States of the present Standard, at the banking house of the Farmers Loan and Trust Company in the City of New York, on the first day of July, one thousand nine hundred and nine with interest from and after the first day of July, one thousand eight hundred and seventy nine. at the rate of six percent per annum, payable in like gold coin at the same place, semi-annually, upon the first days of January, and July, next ensuing.

And Whereas, said Board of Directors have further resolved, under and pursuant to lawful Authority conferred upon said party of the first part by the Acts aforesaid, in substance and legal effects, that the President and secretary of said party of the first part, execute and acknowledge in its name, and its behalf, and under its corporate seal, and deliver to said party of the second part ^{hereby} a mortgage or deed of trust, conveying, assigning, ^{and transferring to the said} and party of the second part, in trust, all its corporate property, both real and personal, as security for the payment of said six thousand bonds, and the interest to accrue thereon, and for the purpose of creating a sinking fund, and to secure the payment of the sums herein provided to be paid to said sinking fund, and that said mortgage or deed of trust should contain all and singular the covenants, ^{and} proviso and conditions hereinafter set forth, and that said mortgage or deed of trust ^{secured by} ~~shall~~ the said six thousand bonds ~~thereby~~, be severally dated the first day of July, one thousand and eight hundred and seventy nine.

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And Whereas, said party of the first part has acquired and is the owner of not less than forty thousand three hundred and twenty one shares of the fifty thousand shares of the Capital stock of the Oregon Steam Navigation Company a Corporation duly authorized, organized and existing under and by virtue of the Acts of the Legislature of the State of Oregon, in that behalf made and provided, which said Oregon Steam Navigation ^{Company owns} and is possessed of the properties mentioned and described in Schedule A, hereto annexed, free of debt.

And Whereas, said party of the first part has acquired and is the owner of all and every the Shares of Stock of the Oregon Steamship Company, a corporation duly incorporated and organized under the laws of the State of Oregon, which said Oregon Steamship Company, owns and is possessed of the properties mentioned and described in Schedule B, hereunto, annexed, free of debt.

And Whereas, the party of the first part is about to engage in the business for which it is incorporated, as above recited.

And Whereas, said mortgage bonds so to be issued, six thousand in number, numbered from one to six thousand inclusive, for one thousand dollars each, together with interest warrants attached thereto, have been prepared, and are in the following form:)

UNITED STATES OF AMERICA.

STATE OF OREGON

OREGON RAILWAY AND NAVIGATION COMPANY.

FIRST MORTGAGE BOND.

WHOLE ISSUE, \$6,000,000.

No.

\$1,000.

KNOW ALL MEN BY THESE PRESENTS, that the Oregon Railway and Navigation Company, a body corporate, created under and pursuant to the laws of the State of Oregon, hereby acknowledges itself indebted and bound to the Farmers Loan and Trust Company (of New York) or bearer, in the sum of one thousand dollars, gold coin of the United States, of the present Standard, which sum the Oregon Railway and Navigation Company hereby promises to pay, at the banking house of the Farmers Loan and Trust Company, in the City of New York, State of New York, to said Farmers Loan and Trust Company or bearer, on the first day of July, One thousand nine hundred and nine, with interest from and after the first day of July, one thousand eight hundred and seventy-nine, at the rate of six per cent per annum, in like Gold Coin, on presentation and surrender of the annexed interest warrants. This bond is one of a series of six thousand of even date herewith, for one thousand dollars each, numbered from one to six thousand both inclusive, amounting in the aggregate to six millions of dollars, the payment of which is secured by a mortgage of even date herewith, made by said company to the Farmers Loan and Trust Company and duly recorded pursuant to the laws of the State of Oregon, upon all and every the property, real and personal, of said Company, now owned or acquired, or hereafter to be owned or acquired by it, as by reference to said mortgage or deed of trust, will more fully appear. But no such bond is valid until certified by the said Farmers Loan and Trust Company, to be ^{of} one of the bonds secured by said mortgage.

The payment of the principal and interest of this and all other of the said bonds is further secured by the terms of said Mortgage by a sinking fund to be created in the hands of said Farmers Loan and Trust Company for the payment thereof, the said Oregon Railway and Navigation Company having obligated itself to pay semi-annually upon the first day of May and November, in each and every year hereafter, beginning upon the first day of May, A.D. one thousand eight hundred and eighty, the sum of thirty thousand dollars in like Gold Coin, the said sinking fund to be invested by said Farmers Loan and Trust

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