

APPENDIX

said mortgage (in case any of said bonds shall be used in carrying out this agreement), shall be satisfactory to said J. S. Kennedy & Co., and shall before execution be approved by them, as to substance and form, as to the trusts created, and as to the trustees appointed in and by said mortgage, and shall cover all the property of every kind belonging to said new company at the time of the execution thereof, including its land grants; and shall provide that said bonds shall be receivable at par in payment for the lands of said company.

ARTICLE XIX

It is further agreed, that in the event of the loss or destruction of any of said bonds by fire or shipwreck, during their transit from Europe to the city of New York, the said parties of the first part will accept, as proof of said loss a notarial certificate, in usual form, attested by an United States consul, setting forth the numbers of the bonds so shipped; the amounts thereof; and the numbers and amounts of the coupons thereto attached; together with satisfactory proof of the destruction by fire, or loss at sea, of any steamer upon which the same shall have been shipped; and, upon receipt of such certificate and proof of loss, will accept the bonds actually delivered under this contract, and will make the payments herein provided to be made, as though no such loss had occurred, and such lost bonds had actually been delivered: *provided*, that said committee shall indemnify the said parties of the first part against the production of said lost bonds at any time thereafter.

ARTICLE XX

It is further agreed that should it be necessary to produce any of the bonds deposited under this agreement, in court, for the purpose of proof in any of the foreclosure suits now pending in Minnesota, as above stated, or for any other purpose connected with the said suits, said bonds may be removed from the place of deposit hereinafter mentioned, by said trustees, or either of them, for such purposes; and if said bonds should be required to be used in the purchase of the railroads and properties covered by the mortgages securing said respective series of bonds, or any of the