

(9) SERIES I—\$3,184,000, face amount, of which various amounts mature semi-annually on January 1 and July 1 in each year, until and including January 1, 1917;

(10) SERIES J—\$147,571.32, principal amount, of which various amounts mature quarterly in March, June, September and December in each year, until and including September, 1916;

(11) SERIES K—\$359,000, face amount, of which various amounts mature semi-annually on March 1 and September 1 in each year, until and including March 1, 1917.

(b) \$1,600,000, face amount, of the equipment trust notes of Colorado Southern, New Orleans and Pacific Railroad Company, of which \$80,000 matures semi-annually February 1 and August 1 in each year until and including February 1, 1917.

Whenever the Railroad Company either (1) shall deliver to the Trust Company a certificate signed by the president or a vice-president and by the treasurer or an assistant treasurer of the Railroad Company, stating that the Railroad Company intends to acquire for deposit with the Trustees a specified face amount of any of the above-described equipment trust notes of the Railroad Company maturing or to mature within the sixty days next ensuing the date of such certificate, or (2) shall tender or cause to be tendered to the Trust Company whether at, before or after the maturity thereof, any of the above described equipment trust notes of Colorado Southern, New Orleans and Pacific Railroad Company, the Trust Company shall, against such certificate, or in exchange for the equipment trust notes so tendered, authenticate and deliver to the Railroad Company, or on its order, gold bonds to a face amount equal to the face amount of the equipment trust notes specified in any such certificate, or of the equipment trust notes so tendered. The Railroad Company covenants to de-

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liver to the Trust Company all equipment trust notes of the Railroad Company specified in any such certificate or certificates. All equipment trust notes delivered to the Trust Company shall be held by the Trustees as additional security under this indenture and upon the trusts herein declared, and shall be so held without impairment, as against the Railroad Company, of the respective liens securing such notes, but such notes so taken up shall be postponed to the payment of the remaining notes of such series which, from time to time, remain outstanding.

Whenever any of the gold bonds reserved under this Section shall be found to be unnecessary for use for the purposes specified in this Section, by reason of the fact that any of the equipment trust notes for the acquisition of which such bonds are reserved shall have been otherwise satisfied and discharged, all such bonds, if any, remaining unissued under this Section, after all the gold bonds reserved under Section 6 of this Article Two shall have been issued or set apart, shall be subject to issue and shall be authenticated by the Trust Company and delivered to the Railroad Company for the purposes and subject to the restrictions specified in Section 6 of this Article Two, in addition to the bonds reserved for issue under said Section.

SEC. 5. \$5,000,000, face amount, of the gold bonds, or such less amount thereof as in the judgment of the Railroad Company shall be required for the purpose, shall be authenticated and delivered to the Railroad Company to reimburse the Railroad Company from time to time for sixty per cent. of any sums which shall have been expended by the Railroad Company subsequent to June 1, 1909, in paying when due the principal sum or sums of any obligations under any and all agreements in the nature of equipment trusts, so-called, created by the Railroad Company after June 1, 1907, on the delivery to the Trust Company from time to time of a certified copy of a resolution of the board of directors or of the executive committee of the Railroad Com-

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pany, requesting such delivery, and stating that the bonds so delivered, or their proceeds, will be used by the Railroad Company only for the purposes aforesaid. Any gold bonds reserved under this Section which, after all the gold bonds reserved under Section 6 of this Article Two shall have been issued or set apart, shall not have been used to reimburse the Railroad Company for any such expenditure, or in the judgment of the board of directors or of the executive committee of the Railroad Company, to be expressed by resolution of said board or of said committee, shall no longer be required to be reserved for such purpose, may be authenticated, issued and delivered for the purposes and subject to the restrictions specified in Section 6 of this Article Two in addition to the bonds reserved for issue under said Section.

SEC. 6. \$28,241,000, face amount, of the gold bonds shall be authenticated and delivered by the Trust Company from time to time for some one or more of the purposes specified in this Section, but subject to the restrictions in this Section, and only at a rate for each fiscal year beginning July 1, 1909, not exceeding in the aggregate \$500 face amount of such bonds in respect of each mile of railroad on each such first day of July owned by the Railroad Company and which shall be subject to this indenture, or leased by the Railroad Company for a term expiring subsequent to May 1, 1927, and the leasehold interest of the Railroad Company in which shall be subject to this indenture, or owned or leased for a term expiring subsequent to May 1, 1927, by any other company of whose capital stock the greater part shall be assigned or pledged under this indenture (whether or not subject to any prior assignment or pledge mentioned and described in any of the granting clauses of this indenture). The aggregate amount of gold bonds that may be issued under this Section in any one fiscal year until and including the fiscal year ending June 30, 1911, shall not exceed

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\$2,500,000 and in any one fiscal year thereafter shall not exceed \$3,000,000. Any portion of such bonds which shall not be authenticated and delivered in any such fiscal year, may be authenticated and delivered at any time thereafter in addition to the bonds which may be authenticated and delivered in any subsequent year.

A certificate or certificates, signed *first* by the president or a vice president, and *secondly* by the comptroller or auditor or treasurer or an assistant treasurer of the Railroad Company, stating the mileage on any first day of July of the lines of railroad in respect of which the Railroad Company is entitled to the authentication and delivery of bonds under this Section, shall be received by the Trust Company as conclusive evidence thereof, and be full protection to it for its action on the faith of such certificate.

A. The purposes for which the bonds reserved under this Section from time to time shall be executed, authenticated and delivered, and for which such bonds and their proceeds may be used are:

(1) The construction, purchase, or acquisition subsequent to June 1, 1909, of telegraph or telephone lines, depots, yards, shops, machinery, tools, rolling stock and other equipment, terminal properties, docks, wharves, landings, railway bridges, boats, ferries or other transfer facilities across navigable waters, additional double tracks, side tracks, spur tracks or passing tracks, block signals or other safety devices, track elevation or depression, and other additions, improvements and betterments upon, along or appertaining to or for use in connection with any lines of railroad which at the time of such construction or acquisition shall be owned by the Railroad Company and shall be subject to this indenture, or which at the time shall be leased by the Railroad Company for a term expiring subsequent to May 1, 1927, and the leasehold interest