

action requested by the bondholders. ~~UNIMPAID~~

SECTION 7. In the event that the Trustee upon advice of its counsel is of the opinion that it has not the legal right to exercise alone or at all, any of the powers herein granted to it or that the right to exercise any such powers alone or at all is doubtful or in the event that anyone dealing with the Trustee shall question its authority to act either alone or at all then the Co-Trustee upon the request of and as requested by the Trustee shall either join with the Trustee or act alone in exercising the powers which the Trustee shall request to be exercised and the Co-Trustee is hereby given full power and authority to so act.

ARTICLE IX.

EVIDENCE OF RIGHTS OF BONDHOLDERS.

Any request, declaration or other instrument which this Mortgage may require or permit to be signed and executed by the bondholders may be in any number of concurrent instruments of similar tenor, and may be signed or executed by such bondholders in person or by attorney appointed in writing. Proof of the execution of any such request or other instrument, or of a writing appointing such attorney, or of the holding by any person of the bonds or coupons appertaining thereto, may be accepted by the Company and/or the *Trustee and or the* Bankers as sufficient for any purpose of this Mortgage if made in the following manner:

(a) The fact and date of the execution by any person of such request or other instrument or writing may be proved by the certificate of any notary public, or other officer authorized to take acknowledgments of deeds to be recorded in any state, that the person signing such request or other instrument acknowledged to him the execution thereof, or by an affidavit of a witness of such execution;

(b) The amount of bonds transferable by delivery held by any person executing such request or other instrument as a bondholder, and the issue numbers thereof, held by such person, and the date of his holding the same, may be proved by a certificate executed by any trust company, bank, bankers or other depository wherever situated, if such certificate shall be deemed by the Trustee and/or the Bankers to be satisfactory, showing that at the date therein mentioned such person had on deposit with such depository the bonds described in such certificate. The Company, Trustee and/or the Bankers may nevertheless in their discretion require proof in cases where they deem further proof desirable. The ownership of registered bonds shall be proved by the registry books.

Any request, consent or vote of the owner of any bond shall bind all future owners of the same instrument in respect to anything done or suffered by the Company or the Trustee and/or the Bankers in pursuance thereof.

ARTICLE X.

MODIFICATIONS AND SUPPLEMENTAL MORTGAGES.

SECTION 1. From time to time the holders of eighty per cent (80%) in amount of the Holders of 80% of Bonds May Release Property and Modify Mortgage bonds hereby secured for the time being outstanding, by an instrument or instruments in writing, signed by such holders, shall have power upon the written consent of the Bankers (1) to assent and authorize release of any part of the property covered by this Mortgage without prejudice to the powers conferred on the Trustee and the Company by Article IV hereof, (2) to assent to and authorize any waiver, modification or compromise of the rights of the bondholders and of the Trustee and/or Co-Trustee against the Company or against any property subject to this Mortgage, whether such right shall arise under these presents or otherwise, and (3) to assent to and authorize any modification of the provisions of this Mortgage that shall be proposed by the Company and recommended by the Trustee and any action herein, authorized to be taken with the assent and authority given as aforesaid of the Bankers and of the holders of eighty per cent in amount of the bonds hereby secured for the time being