all in the Commonwealth of Massachusetts, Trustees hereunder,
Witnesseth: That whereas the said Railway Company was formed by Articles of Agreement filed on April 16, 1885 consolidating certain previously existing companies and acquired thereby among its other powers a right of way through the Indian Territory under an act of the Congress of the United States, approved July 4, 1884; And whereas, the said Railway Company has now in operation about five hundred and fifty miles of railroad in the State of Kansas, and has also constructed and in process of construction about two hundred and sixty-four miles of railroad in the Indian Territory, and may hereafter under its powers already existing, or others which it may hereafter acquire, construct other further extensions and branches of its said lines; and whereas the various portions of the road of the said Railway Company are subject to mortgages heretofore respectively made by the said Railway Company, and by the several railroad companies heretofore existing which are now through a series of consolidations merged in the said Railway Company, the interest upon the bonds secured by the said several mortgages as well as upon those secured by any other mortgages hereafter made by the said Railway Company being payable by the said Railway Company as part of its fixed charges; And whereas said Railway Company proposes to issue now and from time to time, for the purpose of aiding in the construction, improvement and equipment of its said lines, its Income Bonds to an amount not exceeding four thousand dollars per mile of railroad, said bonds being dated the first day of July A.D. 1887 and being payable on the first day of July A.D. 1927; the yearly interest of which bonds is to be dependent on the net earnings of the said Railway Company but not to exceed six per cent, in any one year and to be non-cumulative; both principal and interest being payable in currency of the United States of America, at the agency of said Railway Company in Boston, or at such other place as its directors may hereafter designate; and it being expressly provided in each of said bonds that no recourse shall be had for the payment of the principal or interest thereof to any stockholder, officer or director of said Railway Company, either directly or through the said Railway Company, by virtue of any statute,