Southern Kansas Railway Company, party of the first part hereto, was formed and became vested with the railroad and property formerly of said Kansas City, Lawrence and Southern Railroad Company, subject to its said mortgage dated April 1st A.D. 1879, and Whereas, the Atchison Company owns all said outstanding bonds, but the same have been pledged with and are now held by the Union Trust Company as trustee under a certain mortgage or deed of trust dated December 12, 1895 (herein termed "General Mortgage") executed by the Atchison Company to said Union Trust Company as trustee, to which General Mortgage reference is hereby made; and Whereas, the party of the first part by its deed dated February 15th, 1899, sold and conveyed to the Atchison Company all and singular its railroads, telegraph lines, estates, properties, rights, franchises and privileges, including the railroad and franchises covered by said mortgage, dated April 1st A.D. 1879; and Whereas, by the terms of said General Mortgage of the Atchison Company all said railroad and property formerly of said party of the first part have become subject to the lien of said General Mortgage, and The Atchison Company has executed an instrument of further assurance, dated May 9, 1900, expressly subjecting said railroad and property to the lien of said General Mortgage; and Whereas, the party of the first part and the Atchison Company, by these presents, agree with and warrant to the Union Trust Company, as trustee under said General Mortgage, that the railroad and property formerly of the party of the first part have been vested in the Atchison Company and subjected to the lien of said General Mortgage, free from any charge or lien prior thereto, except bonds pledged with said Union Trust Company, as trustee under said General Mortgage, and that said deed of the party of the first part, said General Mortgage, and said instrument of further assurance, respectively, have been duly recorded in each county in which any part of said railroad and property formerly of said party of the first part is located; and Whereas, said General Mortgage of the Atchison Company provides, among other things, as follows: "Whenever the railroad and property of any other company shall be vested in the Railway Company and subjected to the lien of this indenture, free from any charge or lien prior thereto, except bonds of such other company then pledged with the Trustee hereunder, the Trustee, upon request of the Railway Company, may, in its discretion, cause such bonds to be canceled and any mortgage securing the same