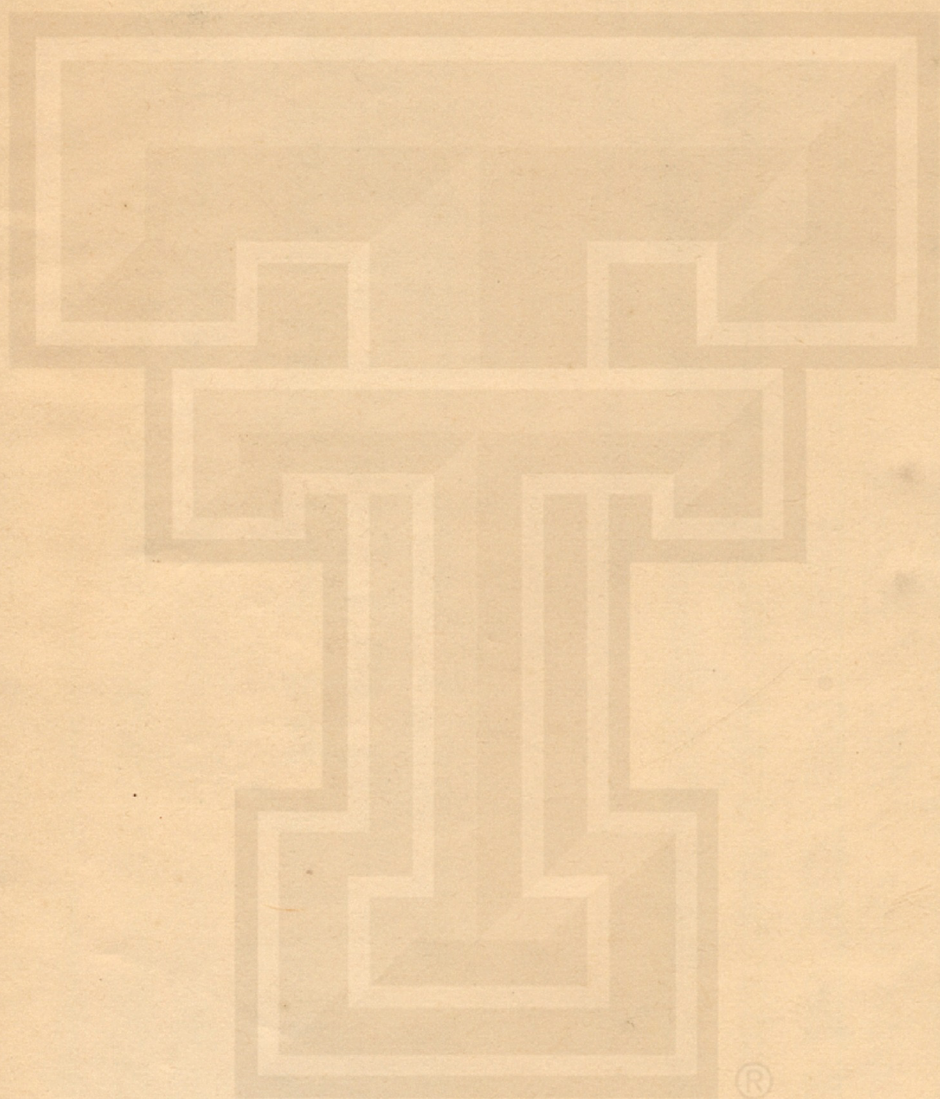


Senp 438^a Co

Mitchell

Book "G"



to claim the said premises or any part thereof.

THIS INSTRUMENT, made this Twenty-ninth day of August A.D. One thousand eight hundred and eighty-five, between

Charles Mitchell sole heir of John Mitchell deceased to whom Sioux Half Breed Scrip No 435 Letter C was issued and in whose name the same has been located)
of the County of *Knott* and State of *Nebraska*

party of the first part, and Brandon Kirby of the County of Lincoln, and Territory of New Mexico, party of the second part:

WITNESSETH, that the said party of the first part, in consideration of the sum of *Eight thousand five hundred*

dollars, to *him* in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, *Has* granted, bargained, sold, and conveyed, and by these presents *does* hereby grant, bargain, sell and convey, to the said party of the second part, his heirs and assigns forever, all the following described piece or parcel of land lying and being situate in the County of Lincoln Territory of New Mexico, to wit:

That unsurveyed tract of land to the extent of *Eighty* acres, embracing the *La Poudre or Smith Lea* Spring, and the permanent living waters thereof, being that tract of land intended to be located and as described in the location of *Soux Half Breed Scrip Number 435 Letter "C"*

for *-80-* acres, located at the United States Land Office, at Las Cruces Territory of New Mexico, August 27th 1885, on that tract of land intended to cover said Spring and the living permanent waters therefrom, which from private survey, is supposed will be embraced in the ~~XXXXXX~~ *North half of*

the North East (1/4) quarter.

of Section *Twenty Six (26)* in Township *Nine*

(9) South of Range *Thirteen (13)* East, in said Territory, by the public surveys, when the said Township shall be officially surveyed, which said location of said Scrip, and the land hereby conveyed, being subject to adjustment to such public surveys of said Township when made, as will cover and embrace said Spring, and the living, permanent waters thereof, to the extent of said *Eighty* acres, it being the intention of this instrument to convey to said party of the second part, the said Spring, and the land embracing the same, together with its permanent living waters to the extent aforesaid.

TO HAVE, AND TO HOLD the above bargained and conveyed premises together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, unto the said party of the second part, and unto his heirs and assigns forever.

And the said *Charles Mitchell* party of the first part, does covenant, to and with, the said party of the second part his heirs and assigns, as follows: That ~~he~~ *he* has a lawful and — good right and power to grant, sell, and convey the said premises, and that he the said party of the first part will warrant, and forever defend the above granted premises, and the title and possession thereof, against the said party of the first part, his heirs, executors, administrators and assigns, and against the lawful claim of all or every other person or persons claiming or

to claim the said premises or any part thereof.
The said party of the first part, further covenanting that the
said tract or premises are free and discharged from any and
all liens and incumbrances whatsoever.

IN TESTIMONY WHEREOF, The said party of the first part, here-
unto sets his hand and seal the day and year first
above written

Signed sealed and

delivered in presence of

Witness

Lewis H. Campbell

Jno. H. Knaebel

Charles Mitchell

father and sole heir of

John Mitchell deceased

By John W. Poe

his attorney in fact

Territory of New Mexico } ss.
County of Santa Fe

On this Twenty-ninth day of August
A.D. 1885 before me the undersigned, Notary Public within and
for said County and Territory, personally came John W. Poe, to
me personally known to be the attorney in fact of Charles
Mitchell Father and sole heir of John Mitchell deceased
(acting under and by virtue of a power of attorney dated April
6-1883, duly executed under seal by said Charles Mitchell
) and who is personally known by me to be the same person
whose name is subscribed to the foregoing conveyance, as such
Attorney in fact for the said Charles Mitchell
and who executed the foregoing deed and signed the name of the
said Charles Mitchell
thereto, and he acknowledged the same to be his free and vol-
untary act and deed as such Attorney in fact, and as the free
and voluntary act and deed of the said Charles
Mitchell whose name - he subscribed thereto.

In testimony whereof, I have hereunto set my hand and notary-
ial seal at the City and County of Santa Fe Territory of
New Mexico, the day and year last above written.

Lewis H. Campbell.

Notary Public



TERRITORY OF NEW MEXICO, }
...County of Lincoln, } ss.

Jones Galiaferro
I, T. C. TILLOTSON, Probate Clerk of said County, in the Territory aforesaid,

DO HEREBY CERTIFY, That the within *Deed*

was filed for record in this office on the *9*th
day of *November* A. D. 188*2* at *9*th o'clock, *A*. M.,
and duly recorded in book *"9"* of records of *Deeds*

, at page *181, 182 & 183*

IN TESTIMONY WHEREOF, I have hereunto set my hand and
affixed my official seal, this *10*th day of *Nov.* A. D. 188*2*

Jones Galiaferro
Clerk and Ex-Officio Recorder.

By *E. A. Davis*
Deputy.

