

Neil McLeod

vs

J. O. Emersley

## Agreement

Know all men by these presents that we Neil McLeod of Eureka, Eureka County, State of Nevada the party of the first part and J. O. Emersley of same County and State the party of the second part are firmly bound unto each other as hereinafter described to wit:

1st the party of the first part binds himself his heirs and executors, to make and deliver to the party of the second part on his complying with the terms hereof a good and valid deed of conveyance to eight hundred (800) feet of the Delkirk lode and mining claim situated on Ruby Hill in Eureka Mining District State and County aforesaid and a similar conveyance to two hundred (200) feet in the Cyrus lode and mining claim, also on Ruby Hill, both of said claims having been acquired by the party of the first part by Sheriff's deeds from the Sheriff of Eureka County dated respectively March 21st A.D. 1875 and January 30th A.D. 1875.

2d the party of the second part binds himself to pay to the party of the first part on the 5th day of July A.D. 1875 five hundred (500) dollars in gold coin as part of the price of said mines, and in four months from the execution hereof, with three days of grace, he shall pay two thousand three hundred dollars (\$2300) as the remainder of the agreed on price \$2800.

3rd the party of the second part is to be put in possession of said Delkirk and Cyrus lodes and the works thereon, and may do prospecting work at his own expense but is not to be allowed to extract any ore.

4th the party of the first part shall not become liable for the wages of workmen employed on said mines, nor for the price of mining timbers which may be used, nor shall any claim be claimable thereon for any liability incurred by the party of the second part.

5th that mining claim locations as the Delkirk No. 1 shall not be claimed by the party of the first part as belonging to the original Delkirk, so long as no tracing on vein matter is done between the necessary claims.

6th the party of the second part is to have the right during the pendency hereof to prosecute to a final issue in his own name, and at his own risk, any suit or suits

in the District Court of Eureka County which he may think necessary to quiet title to said Delkirk and Cyrus lodes, or for the recovery of damages on account of any trespass thereon by other parties, said proceedings at law and rights acquired thereunder to be subject to this instrument.

7<sup>th</sup> If the party of the second part fails to make the payments agreed to herein he shall at once give up possession of the before mentioned mines to and in favor of the party of the first part and relinquish all claim of title thereto he may have lawfully derived from other sources.

8 The suit now pending in the District Court of Eureka County in which the parties hereto are joint plaintiffs against Mrs. W. Bennett, shall be pressed to a verdict by the party of the second part subject to this agreement.

8<sup>th</sup> The party of the second part binds himself to obtain an agreement in writing from any workmen he may employ on said mines, to the effect that they shall waive all right to claim against said property or to claims against the party of the first part individually.

In Witness Whereof, the parties hereto have set their hands and seals on the 26<sup>th</sup> day of April A.D. 1875.

T. McSeed



J. D. Emersley



State of Nevada }  
County of Eureka }

On this 26<sup>th</sup> day of April A.D. 1875 before me J. H. Harmon, County Clerk in and for said County residing therein and duly qualified personally appeared T. McSeed and J. D. Emersley whose names are subscribed to the annexed instrument as parties thereto and who are personally known to me to be the individuals described in and who executed the annexed instrument and who duly acknowledged to me that they executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof I have hereunto set my hand and affixed the Seal of the District Court of the Sixth Judicial District the day and year in this Certificate first above written.



J. H. Harmon, County Clerk  
and ex officio Clerk of the District  
Court Sixth Judicial District.

Recorded at request of J. D. Emersley June 28<sup>th</sup> A.D. 1875  
at 30 min past 9. a.m.

R. S. Lebrase  
Recorder.