

John S. Capron
Plff

against

W. H. Gray
Def^t

Decree of Court

In the District Court of the Sixth Judicial
District of the State of Nevada in and
for the County of Eureka
Feb'y term A.D. 1879.

John S. Capron, Plff

against

W. H. Gray, Def^t

Decree

This cause came on regularly to be heard before the Court sitting without a jury on the fifth day of February A. D. 1879 and was continued for further proof to be affirmed on the part of the plaintiff, until this 14th day of February A. D. 1879. At the trial and hearing of this cause the plaintiff appeared in person and by his counsel Messrs Bishop and Sabiu and the defendant by his counsel Esq. R. Amundson Esq. and the evidence being closed and the cause having been submitted to the Court for its judgment and the Court having filed its findings of fact and conclusions of Law thereon and ordered that judgment and decree be entered in accordance therewith. From which findings it appears that the material allegations of plaintiff's complaint are fully established by testimony and evidence free from legal exceptions and that plaintiff is entitled to the relief prayed for in his said complaint. Now on motion of Messrs Bishop and Sabiu plaintiffs attorneys. It is hereby adjudged and Decreed that the Conveyance and Deed of E. P. Tucker and Nathaniel Diamond made on or about the 25th day of November A. D. 1876, by which they transferred and conveyed to defendant W. H. Gray the "Holly Mine" containing fifteen hundred linear feet of Mining ground situate in Eureka Mining District Eureka County State of Nevada

²¹ was and is a trust deed and as ²² such was executed by said Tucker
²³ and Diamond and was by said ²⁴ Gray so accepted and received and said
²⁵ Gray then and there became and was the ²⁶ Trustee of said Tucker and said
²⁷ Nathaniel Diamond and had and held no other or greater estate in said
²⁸ Holly Mine than as such Trustee for Tucker and Diamond. That said
²⁹ Mine was so transferred and conveyed to said Gray to the end and for
³⁰ the purpose that he might effect a sale of the same for the use and benefit
³¹ of said Tucker and Diamond and their legal representatives and for no
³² other purpose. That said Gray has wholly failed to effect any sale
³³ or disposition of said Mine or any part thereof and the legal title thereto
³⁴ now stands in said W. H. Gray. That the time during which said trust
³⁵ was by said Gray to be executed has fully expired. That the plaintiff
³⁶ in this action has succeeded to all of the interest right and title both
³⁷ legal and equitable of said Tucker and Diamond or of their grantees in
³⁸ and to said Holly Mine and every part thereof. And it is further adjudged
³⁹ and Decreed That said plaintiff is entitled to a deed of conveyance
⁴⁰ from said Gray conveying to plaintiff all of the right title interest and
⁴¹ estate of said Gray in and to said Holly Mine and every part thereof.
⁴² And it appearing to the Court that said defendant W. H. Gray is incap-
⁴³ aciated from executing a deed of conveyance of his said title in and
⁴⁴ to said Holly Mine to said plaintiff. It is therefore further ordered
⁴⁵ adjudged and decreed that the clerk of this Court execute and deliver
⁴⁶ to said plaintiff a good and sufficient deed of conveyance of the said
⁴⁷ Holly Mine transferring and conveying to said plaintiff all of the right
⁴⁸ title and interest of said Gray in and to said Holly Mine and every
⁴⁹ part thereof. Done in Open Court Feby 15th A. D. 1879.
⁵⁰ Henry Rives,
⁵¹ District Judge

State of Nevada,
 County of Esmeralda ss.

I, E. R. Dodge, County Clerk and ex-officio Clerk of the
 District Court, Sixth Judicial District, in and for said County, do hereby
 certify that the above and foregoing is a correct and true copy of the
 original matter thereof, which now remains in my office at Esmeralda, County
 and State aforesaid.



In Testimony Whereof, I have hereunto set my
 hand and affixed the seal of said Court, at office
 in the town of Esmeralda, this 15th day of Feby A. D. 1879.
 E. R. Dodge, County Clerk,

and ex-officio Clerk of the District Court, Sixth Judicial District, Esmeralda County, State of Nevada.

(Endorsement)

No. 748. In said District Court, Esmeralda Co Nevada.

John S. Capron, Plff vs W. H. Gray Def.

Certified Copy of Decree
 Filed Feby 15th 1879.

E. R. Dodge, Clerk By E. M. Bell, D. C.

Recorded at the Request of J. S. Capron February 15th A. D. 1879,
 at One o'clock, P. M.

Benj. C. Levy, Recorder.