

estate, right title interest, property possession claim and demand whatever as well in law as in equity, of the said party of the first part, of, in or to the said premises and every part and parcel thereof, with the appurtenances.

To Have and to Hold all and singular the above mentioned and described premises, together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever. And the said party of the first part, and his heirs, executors and administrators, the said premises, in the quiet and peaceable possession of the said party of the second part, his heirs, and assigns, against the said party of the first part and his heirs, and against all and every person and persons whomsoever lawfully claiming or to claim, the same shall and will Warrant, and by these presents forever Defend.

In Witness Whereof, the said party of the first part, has hereunto set his hand and seal, the day and year first above written.

Signed Sealed, and
Delivered in presence of } Joseph ^{his} Morgan (seal)
Chas. C. Hyde }
Hannah Morgan }

United States of America.

Territory of Utah,
County of Davis } ss.

On this tenth day of January A.D. one thousand eight hundred and eighty five, personally appeared before me, Chas. C. Hyde, a justice of the Peace in and for said County, duly elected, commissioned and qualified Joseph Morgan whose name is subscribed to the annexed instrument, as a party thereto personally known to me to be the same person described in, and who executed the said annexed instrument, and duly acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand, at my office in Kayville, Davis Co., U.T., the day and year in this Certificate first above written.

Chas. C. Hyde, J.P.

Recorded Nov. 2/85 at 11.19 a.m.

3468. M. P. Ry. Co. to Wm H. Beazer.

Land Department of the Union Pacific Railway Company,
Union Division.

Know all Men by these Presents, That the Union Pacific Railway Company (which is a Corporation formed and existing by the consolidation of the Kansas Pacific Railway Company, the Denver Pacific Railway and Telegraph Company, and the Union Pacific Railroad Company, under the corporate name and style of the Union Pacific Railway Company, by authority of an Act of Congress, entitled "An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military and other purposes," approved July 1, 1862, and acts amending thereof, which said Company has succeeded to and become seized and possessed of all the real estate and property of the said Constituent Companies, whether real, personal, or mixed, and, among other things, of all the lands granted to said Union Pacific Railroad Company by the aforesaid act of Congress, in aid of the construction of its road, not conveyed away by said Company at the date of such consolidation, to wit, January 24, 1880, in consideration of the sum of One hundred Dollars, to it paid by William H. Beaz, of the County of Davis in the Territory of Utah the receipt of which is hereby acknowledged, doth hereby Grant, Bargain, Sell and Convey unto the said William H. Beaz the following described real estate, situate, lying, and being in the County of Davis and in the Territory of Utah, and described as follows to-wit:

The South East quarter of the North West quarter of Section No twenty one (21) in Township No four (4) North of Range No two (2) West of the Salt Lake Meridian, containing according to the United States Survey thereof, Forty Acres, more or less; being the same premises contracted to be sold to said William H. Beaz by the Union Pacific Railroad Company by contract No. 1046 executed the 2nd day of April A.D. 1878, in pursuance and fulfillment of which said contract this conveyance is made and executed.

Reserving, However, to the said Union Pacific Railway Company, all that portion of the land hereby conveyed (if any such there be) which lies within lines drawn parallel with, and one hundred feet on each side distant from, the centre line of its road, as now constructed, and any greater width when necessary permanently to include all their cuts, embankments, and ditches, and other works necessary to secure and protect their main line.

This Conveyance is also upon the condition that the grantee herein, his heirs, administrators and assigns, shall erect and maintain a lawful fence between that portion of the premises hereby conveyed,

adjoining the road of said Company (if any such there be), and the road of said Company upon a line one hundred feet distant from the center line of such road, and parallel therewith, in all cases in which such fence is required by law, or may be required by said Company.

To Have and to Hold the said premises, with all the rights and appurtenances thereto belonging, unto the said grantee, his heirs and assigns forever; and the said grantor doth hereby covenant with the said grantee, that at the making of this instrument it is well seized of the said premises as of a good and indefeasible estate in fee, and hath good right to sell and convey the same, and that it will warrant and defend the title to said premises unto the said grantee his heirs and assigns forever against the lawful claims of all persons whomsoever.

Excepting, However all taxes and assessments levied upon said premises since the 2nd day of April A.D. 1878.

And Whereas, said Union Pacific Railroad Company did, on the sixteenth day of April, A.D. 1867, execute and deliver to Lyman H. McCormick, of the City of New York, and John Duff, of the City of Boston, a certain Mortgage Deed, of that date, which deed is recorded in the office of the County Clerk of Davis County, in the Territory of Utah wherein said Company conveyed to said Lyman H. McCormick and John Duff, as Trustees, for the uses and purposes therein mentioned, among others, the lands hereinbefore described; And Whereas, the said Lyman H. McCormick did on the twenty eighth day of June, A.D. 1873, by a proper instrument of writing to that effect, resign his place as Trustee under said Mortgage Deed, which resignation was, on the fifteenth day of October, A.D. 1873, accepted by the Union Pacific Railroad Company by its Board of Directors, at a meeting thereof held on that day in the City of Boston, and State of Massachusetts; And Whereas, of the fifteenth day of October, A.D. 1873, Frederick L. Ames, of Easton, in the State of Massachusetts, was duly nominated by the remaining Trustee, John Duff, as successor to said Lyman H. McCormick, which nomination was, on the same day, approved by the Board of Directors of said Union Pacific Railroad Company; And Whereas, by such nomination and approval said Frederick L. Ames, did, upon his acceptance thereof, thereafter become vested with the same estates, powers, rights and interests, and charged with the same duties and responsibilities, as if he had been of the original Trustee named in and executing said Mortgage Deed; And Whereas, said remaining Trustee, did, by a conveyance proper and effectual for that purpose, dated on the twenty eighth day of October, A.D. 1873, at the City of Boston, vest the same in such new Trustee jointly with him, the said John Duff; And Whereas, said John Duff did, on the fourteenth day of February, A.D. 1877, by a proper instrument of writing to that effect,

assign his place as trustee under said Mortgage Deed, which resignation was on the fourteenth day of February, A.D. 1887, accepted by the Union Pacific Railroad Company, by the Executive Committee of its Board of Directors, at a meeting thereof held on that day in the City of Boston, and State of Massachusetts; And Whereas no nomination of a successor to fill the vacancy caused by the resignation of said John Duff having been made, the said Frederick L. Ames became, and now is, the sole Trustee;

And Whereas, the said Union Pacific Railroad Company, with the consent of the trustee for the time being, hereinbefore named, has sold and conveyed, the Real Estate hereinbefore described, unto the said William H. Beager for and in consideration of the sum of One hundred Dollars to it in hand paid by the said William H. Beager which said sum of money has been paid to said Frederick L. Ames by said Company, in his capacity as Trustee, or to said John Duff and said Frederick L. Ames, Trustees, or to said Cyrus H. McCormick and said John Duff, Trustees, for the uses and purposes in said Mortgage Deed mentioned;

Now, Therefore, Know all Men by these Presents, That I, the said Frederick L. Ames, remaining trustee in the aforesaid Mortgage Deed, in consideration of the aforesaid premises and payment as aforesaid of said sum of One hundred Dollars, so paid by said Company to said Trust Fund, of which I am the remaining Trustee, for the uses and purposes aforesaid, do hereby Release, Release, and forever Quit-Claim unto the said William H. Beager the Real Estate described aforesaid to be held by him free and exempt from all liens, incumbrances and charges of said Mortgage Deed, but subject however, to all the reversions and conditions herein before contained.

In Witness Whereof, the said grantor, the Union Pacific Railway Company, hath caused these presents to be sealed with its corporate seal, and to be signed by its Vice-President and Treasurer, and countersigned by its Land Commissioners and its Auditor, and the said Frederick L. Ames, Trustee, has hereunto set his hand, this third day of March A.D. 1883.

In Presence of }
Frederick D. Buttrick } E. Atkins Vice President.
Aler. Miller } Henry McFarland Treasurer.
{ U. P. Ry Co. } Fred L. Ames Trustee.
Seal 1880 }

Countersigned
Leavitt Barnham
Land Com.
S. H. Gannett
Auditor

State of Massachusetts, }
County of Suffolk. } ss.

Be it Remembered, That on this third day of March A.D. 1883, before me, a Commissioner for Utah Territory, appeared the Union Pacific Railway Company, by Elisha Atkins, its Vice President,

and Henry McFarland its Treasurer, who are personally known to me to be the identical persons whose names are subscribed to the foregoing instrument as said Vice President and Treasurer, and then and there acknowledged the execution and sealing of said instrument to be their voluntary act and deed, and the voluntary act and deed of said Company. And on the same day, likewise, personally appeared the above named Frederick L. Ames known to me to be the Trustee described in and who executed, the foregoing instrument, and acknowledged before me that he executed the same as Trustee aforesaid, and for the uses and purposes therein set forth, and that the execution thereof was his voluntary act and deed.

In Witness Whereof, I have hereunto set my hand and official seal this third day of March A.D. 1883, at the City of Boston in said County and State.

James S. Harris,
Commissioner

Recorded, Nov. 3/85 at 10.12 a.m.

3469 P.P. Terry from D.L. Linn

The United States of America.

To all to whom these presents shall come, Greeting:

Whereas, in pursuance of an Act of Congress, approved July 2, 1862, entitled "An Act donating Public Lands to the several States and Territories which may provide colleges for the benefit of Agriculture and the Mechanic Arts," there has been deposited in the General Land Office Scrip No. 237, for one quarter section of Land, in favor of the State of Virginia, duly assigned by the proper authority of said State to Parshall P. Terry, with evidence that the same has been located upon

The South West quarter of Section twenty six, in Township five North, of Range two West, in the District of Lands subject to sale at Salt Lake City, Utah Territory, containing One hundred and sixty Acres according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General;

Now know ye, that there is, therefore, granted by the United States unto the said Parshall P. Terry, as assignee as aforesaid and to his heirs the tract of land above described.

To Have and to Hold the said tract of Land, with the appurtenances thereof, unto the said Parshall P. Terry, as assignee as aforesaid and to his heirs and assigns forever; subject ~~to any~~ vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and the rights to ditches and reservoirs used in connection