

This Indenture Made this thirty first day of January in the year of our Lord One thousand Eight hundred and fifty nine between Horester Hill and Nancy his wife of the City of Lawrence Territory of Kansas of the first part and Richard G. Wait of the City of Lawrence aforesaid of the second part. Witnesseth that the said parties of the first part, for and in consideration of the sum of Two Hundred & ~~00~~ Dollars the receipt whereof is hereby acknowledged, doth give grant bargain all release, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described land, situated in the City of Lawrence aforesaid, Kansas Territory Court: Lot Number Eleven on Rhode Island street, together with all and singular the hereditaments and appurtenances thereto belonging, or in any way appertaining both in law and Equity.

This Grant is Intended as a Mortgage to secure the payment of the sum of Two Hundred Dollars & ~~00~~ and the interest thereon payable monthly at the rate of three per cent a Month until paid according to the conditions of a certain promissory Note this day Executed and delivered by the said Horester Hill to the said party of the second part, and this conveyance shall be void if such payment be made as herein specified. But if default be made in payments or any part thereof, as above provided, then it shall be lawful for the said party of the second part, his Executors, Administrators and assigns, at any time thereafter, to sell the premises hereby granted or any part thereof in the manner prescribed by law; and out of all the money arising from such sale, to retain the amount then due for principal and interest, together with the costs and charges of making such sale and the attorney fees for foreclosure; and the surplus if any there be shall be paid by the party making such sale on demand to the said Horester Hill his heirs and assigns.

In Witness Whereof the parties of the first part have hereunto set their hands and seals the day and year first above written

Signed sealed and delivered in presence of

C. Dadd.

Horester Hill

Mary Hill

Territory of Kansas Douglas County Esq:- On the first thirty first day of January A.D. 1859 before me a Notary Public in and for said County came Horester Hill and Mary his wife to me personally known to be the persons described in and who Executed the above conveyance, as parties thereto, and acknowledged the same to be their own free act and deed. She the said Mary being by me first made acquainted with the contents of said instrument, upon an examination apart from her said husband, acknowledged

I Richard G. Wait the witness to the above instrument do hereby acknowledge fully and distinctly that I am my hand this 31st day of January A.D. 1859.