

both in law and equity. This Grant intended as a mortgage to secure the payment of the sum of five hundred and forty four dollars due and payable in one year from the date hereof with interest after maturity until the same is paid at the rate of three per cent per month, according to the condition of a certain note of hand this day executed and delivered by the said Samuel Kimball to the said party of the second part and this conveyance shall be void if payment be made as herein specified. But if default be made in payment on 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 Attorneys fees for foreclosure and the surplus, if any there be shall be paid by the party making such sale, on demand, to the said parties of the first part their heirs or assigns.

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

Signed Sealed & delivered in
presence of
E. N. Simpson
W. S. McCurdy

Samuel Kimball (Seal)
Adaline A. Kimball (Seal)

Territory of Kansas }
Douglas County } ss

On this fifth day of March A.D. 1860, before me a Notary Public in and for said County came Samuel Kimball and his wife Adaline A. Kimball known to be the identical persons described in and who executed the above conveyance, and acknowledged the same to be their own free act and deed.

She the said Adaline A. Kimball being by me first made acquainted with the contents of said instrument, upon an examination apart from her said husband, & she declared that she executed the same and relinquished her dower in the real estate therein mentioned freely and without compulsion or undue influence of her said husband.

E. N. Simpson Notary
Public & dau. C. C. Ho. J.

Recorded for record Aug 5, 1860, 134