

his heirs and assigns, forever, all that tract or parcel of land, situated in the County of Douglas and State of Kansas, described as follows, to wit: South East Quarter (R. E. $\frac{1}{4}$) Section Number Thirteen (R. 13) Township Number Fifteen (T. 15) Range Number Seventeen (R. 17) Less One acre off South East corner, containing One Hundred and Fifty Nine Acres (159A) with the appurtenances, and all the estate, title and interest of the said parties of the first part therein. And the said Susan A. Dutcher and Thomas H. her husband do hereby covenant and agree that at the delivery hereof they are the lawful owners of the premises above granted, and seized of a good and indefeasible estate of inheritance therein, free and clear of all encumbrances.

This Grant is intended as a Mortgage to secure the payment of the sum of Fourteen Hundred and Fifty Dollars, according to the terms of One certain Mortgage Note this day executed by the said Susan Ditcher and Thomas Ditcher her husband to the said party of the second part bearing Ten per cent. interest payable annually, said note being for Fourteen Hundred and Fifty Dollars, payable Five years after date.

And this conveyance shall be void if such payment be made as is herein specified. But if default be made in such payment, or any part thereof, or interest thereon, or if the taxes on said land are not paid when the same becomes due and payable, or if the insurance is not kept up thereon, as provided herein, then this conveyance shall become absolute, and the whole sum remaining unpaid shall immediately become due and payable, at the option of the holder thereof; and 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, "appraisement waived," and out of all moneys arising from such sale, to retain the amount then unpaid of principal and interest, together with the costs and charges of making such sale, and the overplus, if any there be, shall be paid by the party making such sale, on demand, to the said Susan A. Dutcher her heirs and assigns.

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

Signed, Sealed & Delivered in the Presence of

Robert, Doak

Susan A. Dutcher [seal]

Thomas H. Dutcher 1860

State of Kansas.

Franklin County. } ss

Be it Remembered, That on this 13th day of December A.D. 1859 before me, a Notary Public in and for said County and State, came Susan A. Gitcher and Thomas H. Gitcher her husband who are to me personally known to be the same persons who executed the foregoing instrument, and duly acknowledged the execution of the same.