Spain Benj
To
J. R. Browning

"The State of Alabama } This Indenture, made and entered
Shelby County } into this 26th day of October 1878 between
Benjamin Spain debtor of the first part and
Joshua R. Browning creditor of the 2nd part, witnesseth,
That whereas the said party of the first part is justly
indebted to the party of the 2nd part in the sum of One
hundred & ten dollars, due by promissory note bearing
even date hereof, and payable on or before the 25th
day of Decr 1879; and the said party of the 1st part be-
ing desirous to secure the payment of said indebt-
edness; for and in consideration thereof the said
party of the 1st part has sold, and hereby sells and
conveys to the said party of the 2nd part the
following described property Viz: One Black
horse mule name Jack about five years old,
and said party of the 1st part agrees that said 2d party
is to retain the proceeds of the labor of David & Willy Spain
for the year 1879 and apply same to the payment of said
note) — To have and to hold in trust, as follows:
It is hereby agreed that the said party of the 1st part
is to have and retain possession of said mule until
the 25th Day of Decr 1879; and if said party of the 1st
part shall fully pay to the said party of the 2nd part
said debt and interest thereon, and reasonable
expenses hereof by said 25th day of Decr 1879 then this
indenture is to be null and void. But upon default of
such payment the said party of the 2nd part is
hereby authorized to take into possession and sell
said property to the highest bidder for cash, at
such time and place as he may select, after giving
ten days notice of the time and place of said sale,
by posting at three public places, and out of the
proceeds of said sale retain the sum of One hun-
dred & ten dollars, and interest thereon, and the
reasonable costs hereof and the balance, if any pay
to the said party of the 1st part, and it is agreed
the party of the 2nd part may purchase at said sale.
Signed Sealed and delivered this 26th day of
October 1878 in presence of } Benjamin his + mark Spain (Seal)
The State of Alabama } I, A. M. Elliott Clerk of the
Shelby County } Circuit Court for said
County, hereby Certify that Benjamin Spain

Satisfied this charged
B. Pinkston
Mar.

whose name is signed to the foregoing conveyance and who is known to me acknowledged before me on this day that being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date,
Witness my hand this 26th day of Oct 1878

A. M. Elliott Clerk

Filed and Recorded October 26th 1878

J T Lupes Judge of Probate