

This Indenture Made this eighteenth day of May A. D. 1859. between James S. Emery & Mary R his wife of Douglas County Kansas, of the first part, and Edward D. Thompson of same place of the second part. Witnesseth, That the said parties of the first part, for and in consideration of the sum of Two hundred & forty three ⁹⁸/₁₀₀ dollars, the receipt whereof is hereby acknowledged, doth give, grant bargain, sell, 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 Lawrence Douglas County aforesaid & Kansas Territory, to wit, Lot number forty four (44) on Vermont Street & to three New Hampshire Street together with all and singular the hereditaments and appurtenances therunto belonging, or in any wise appertaining, both in law and equity.

This Grant is intended as a mortgage to secure the payment of the sum of Two hundred & forty three ⁹⁸/₁₀₀ dollars in six months from the date hereof with interest at the rate of ten per cent per annum until maturity & after maturity if not paid to draw interest at the rate of three percent per month until paid according to the condition of a certain promissory note this day executed and delivered by the said James S. Emery 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 payment or any part thereof, as above provided, then it shall be lawful for the said party of the second part his heirs, 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 money arising from such sale, to retain the amount then due for principal and interest, together with costs and charges of making such sale and the Attorney's fees for foreclosures and the of surplus if any there be, shall be paid by the party making such sale, on demand, to the said James S. Emery & Mary R his wife their heirs or 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 & Delivered in presence of

James C. Horton

James S. Emery Seal

Territory of Kansas Douglas County S.S.

On this Eighteenth day of May A. D. 1859, before me a register of Deeds in and for said County came James S. Emery to me known to be the person described in and who executed the above conveyance as part thereto and acknowledged the same to be his own free act and deed for the purposes therein mentioned

Read May 23/59 at 8 3/4 A.M.

James C. Horton
Register of Deeds

Witness my hand and seal this fourth day of August A.D. 1860

Edward D. Thompson

W. D. Blackford