

and interest of the said parties of the first part therein. And the said James S. Emerson and Jane Emerson his wife 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 incumbrances, except under said mortgages. This grant is intended as a Mortgage to secure the payment of the sum of Nine Thousand Dollars, according to the terms of one certain promissory note this day executed and delivered by the said James Emerson and Thomas E. Fouse to the said Margaret A. Emerson payable at Ellsworth Kansas as follows, to-wit:

Nine thousand Dollars on or before the first day of February 1899 with interest thereon at 10 per cent per annum payable quarterly on the first days of May, Aug. Nov. and Feb. of each year 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 such payment or any part thereof or interest thereon, or the taxes, or if the insurance is not kept up thereon, then this conveyance shall become absolute, and the whole shall become due and payable, and it shall be lawful for said party of the second part, her 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 hereby waived or not, at the option of the party of the second part, her executors, administrators or assigns; and out of all the moneys 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 overplus, if any there be, shall be paid by the party making such sale, on demand, to the said James S. Emerson and Jane Emerson their heirs or assigns.

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

James S. Emerson [seal]
Jane Emerson [seal]